

SIXTEENTH DAY

(February 1, 1962)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Spears
Krueger	Willis
Lane	

Absent—Excused

Smith Weinert

A quorum was announced present.

Reverend W. T. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

Leaves of Absence

Senator Weinert was granted leave of absence for today on account of illness on motion of Senator Martin.

Senator Smith was granted leave of absence for today on account of important business on motion of Senator Krueger.

Message from the House

Hall of the House of Representatives
Austin, Texas,
February 1, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 80, A bill to be entitled "An Act to amend H. B. No. 261,

Acts, 57th Leg., R. S., 1961, Ch. 274, relating to the filing of rules and regulations of state administrative agencies, declaring all rules, regulations and orders in effect on or issued by State agencies after August 31, 1961, and prior to the effective date hereof to be valid although certified copies thereof were not filed with the Secretary of State; providing for severability; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

(With amendment.)

S. B. No. 44, A bill to be entitled "An Act amending Section 186a of the Election Code of the State of Texas, as added by Section 1 of Chapter 494, Acts of the 55th Legislature, Regular Session, 1957 (codified as Article 13.08a, Vernon's Texas Election Code), relating to the filing fees of candidates for office in counties having a population of one million (1,000,000) or more, according to the last preceding Federal census; and declaring an emergency."

(With amendment.)

S. R. No. 69, A bill to be entitled "An Act amending Article 4623, R. C. S. of Texas, 1925, as amended by Chapter 407, S. B. No. 24, Acts 55th Legislature of Texas, R. S., 1957, by adding thereto a provision that a wife shall never be the joint maker of a note or a surety on any bond or obligation of another without the joinder of her husband with her in making such contract; and declaring an emergency."

(With amendment.)

H. B. No. 113, Creating a permanent Judicial District Court to be known as the 148th Judicial Court of Texas, composed of Orange County; providing for the terms of Court and the appointment and election of the judge and officers of said Court; etc.; and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 84

Senator Lane offered the following resolution:

Be it Resolved by the Senate of Texas:

A page in the Journal of the Senate of Texas shall be set aside and

inscribed as shown on the page attached hereto.

The resolution was read and was adopted.

The President Pro Tempore appointed Senators Lane, Aikin and Hardeman to escort Miss Jane Lovett, the granddaughter of Senator R. A. Weinert to the Bar of the Senate to accept on behalf of Senator Weinert, who is ill, a memento as a token of the respect and esteem in which Senator Weinert is held by the present Members of the Senate as well as by his former colleagues of the Senate throughout the years he has served as a Member.

Senator Lane presented to Miss Lovett a beautiful silver tray, en-

graved on the back with the names of Senator Weinert's many colleagues who had served with him and made the memento possible by their contributions thereto.

Miss Lovett accepted the tray in behalf of Senator and Mrs. Weinert.

Senator Hardeman presented the Reverend Thomas Lovett, the son-in-law of Senator Weinert, and Mrs. A. J. Eilers, the sister of Senator Weinert, to the Members of the Senate.

Senator Hardeman then presented as guests of the Senate the Honorable Walter Woodul, former Lieutenant Governor and the Honorable Ben Ramsey, former Lieutenant Governor, together with other former Members of the Senate present for the occasion.

*This page is dedicated
in recognition of the faithful and
outstanding public service*

of

RUDOLPH A. WEINERT



District Attorney, 25th Judicial District
1925–1936

Member of the Senate of Texas
1936–1962

Message from the Governor

The following message received from the Governor was read and was filed with the Secretary of the Senate:

February 1, 1962.

To the Members of the 57th Legislature, Third Called Session:

In my second message to you on January 17, I submitted the subject of authorizing the State Building Commission and the Texas Employment Commission to cooperate in the construction of a combined foundation for a future building and a parking facility on the block east of the Texas Employment Commission Building in the city of Austin.

This bill was passed by the Senate, but after several completely erroneous charges against the bill in the House yesterday, the House failed to suspend the necessary rules to bring this bill up for action.

If this bill fails to pass, \$200,000.00 of Texas taxpayer dollars will be returned to the employment trust fund in Washington. The money is now available for this purpose, and it reverts to Washington if unused. There is sufficient money in the special State Building Commission Fund to combine with the Employment Commission funds and take care not only of parking needs but serve as a complete foundation for a future building and fallout shelter for the Capitol area.

No general fund money is involved in this bill, and no new money from any special funds would be spent except as already dedicated by the Constitution and laws of this State. The Texas Employment Commission and the State Building Commission each already have authority to build parking facilities. This bill merely permits the two agencies to pool funds already dedicated or appropriated in the construction of a single centrally located facility. It takes no money from any other appropriation now pending at this session. It is an economy measure in every respect, especially since its failure of passage will result in a \$200,000 loss of Texas funds already available but which otherwise will have to be returned to Washington.

The funds which the Texas Employment Commission would contribute toward this were allocated and appropriated from additional Federal funds by S. B. 28, Chapter 27, 55th

Legislature, First Called Session, and reappropriated in subsequent appropriation bills, for the purposes of "purchase of land and construction of a Texas Employment Commission State Headquarters office building, including parking space and facilities . . ." It is apparent that funds appropriated under this law cannot be used for building purposes in any other city or for any other purpose.

This legislation includes other needed authorizations, including the construction of walks and gates between the Capitol Building and the new State Insurance Building, and authority to move to suitable State-owned locations any buildings acquired which can be used to house State agencies.

The purpose of this message, however, is to attempt to clear up misunderstandings about the proposed parking facility and to again urge your favorable consideration of the matter, especially the way in which it would result in a real saving of money for the State.

If the House does not permit consideration of the separate measure, I recommend that it be included in the appropriation bill, since it will not affect any other items or funds in that bill.

Respectfully submitted,
PRICE DANIEL,
Governor.

Senate Bill 57 with House Amendments

Senator Schwartz called S. B. No. 57 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Schwartz moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—27

Aikin	Hardeman
Calhoun	Hazlewood
Colson	Herring
Creighton	Hudson
Crump	Kazen
Dies	Krueger
Fuller	Lane

Martin	Roberts
Moffett	Rogers
Moore	Schwartz
Parkhouse	Secrest
Patman	Spears
Ratliff	Willis
Reagan	

Absent

Baker Owen

Absent—Excused

Smith Weinert

House Concurrent Resolution 30 on Second Reading

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 30, Authorizing printing of 3,000 copies of Roster of Members of the Legislature from 1939 through the present Session.

The resolution was read and was adopted.

Conference Committee Report on Senate Bill 39

Senator Rogers submitted the following Conference Committee Report on S. B. No. 39:

Austin, Texas,
February 1, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate:

Hon. James Turman, Speaker of the
House of Representatives:

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill No. 39, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

ROGERS
SECREST
KRUEGER
MOFFETT

On the part of the Senate,

WELLS
McILHANY
OSBORN

On the part of the House.

S. B. No. 39:

A BILL TO BE ENTITLED

An Act amending Section 4 as added to Article 6050 of the Revised Civil Statutes of Texas, 1925, by Chapter 31, Acts of the Fifty-third Legislature, First Called Session, 1954, so as to provide that the sale, transportation, or delivery of natural gas for certain agricultural purposes or uses or for household use in farm houses shall not alone constitute a person, association, private corporation, trustee, receiver, or partnership a "gas utility," "public utility," or "utility" as defined by Article 6050 of the Revised Civil Statutes of Texas, 1925, and providing an exemption from rate regulation of such activity by the Railroad Commission, unless such a person, association, private corporation, trustee, receiver, or partnership sells, transports or delivers natural gas at retail to domestic consumers within the incorporated limits of any city, town or village within the State of Texas for profit then such person, association, private corporation, trustee, receiver or partnership making such sale, transportation or delivery of natural gas by it for certain agricultural purposes or uses shall be subject to the jurisdiction, control and regulation of the Railroad Commission; repealing Section 4(a) of Article 6050 and adding a new Section 4(a) which provides that the Railroad Commission shall not review existing rates or review or determine new rates unless petitioned by the "gas utility," "public utility," or "utility" or unless petitioned by ten per cent (10%) or more of the irrigation and/or agricultural customers affected; and providing that upon request of ten (10) or more of said irrigation and/or agricultural customers affected at any time, or upon announcing or implementing a rate increase, the "gas utility," "public utility" or "utility" shall inform the Commission in writing within ten (10) days the number of said affected irrigation and/or agricultural customers; providing for severability; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 4 as added to

Article 6050 of the Revised Civil Statutes of Texas, 1925, by Chapter 31, Acts of the Fifty-third Legislature, First Called Session, 1954, is amended to read as follows:

"Section 4. Provided, however, that (a) the act or acts of transporting, delivering, selling or otherwise making available natural gas for fuel, either directly or indirectly, to the owners of irrigation wells, or (b) the sale, transportation or delivery of natural gas for any other direct use in agricultural activities, or (c) the sale, transportation or delivery of natural gas for household use in farm houses, shall not be construed within the terms of this law as constituting any person, association, private corporation, trustee, receiver or partnership as a 'gas utility,' 'public utility,' or 'utility' as hereinabove defined so as to make such person, association, private corporation, trustee, receiver or partnership subject to the jurisdiction, control and regulation of the Commission as a gas utility, and such person, association, private corporation, trustee, receiver or partnership shall be exempt as to the act or acts enumerated in (a), (b) or (c) above from the jurisdiction and control of the Railroad Commission of Texas insofar as the fixing, reviewing or making of rates is concerned, unless such person, association, private corporation, trustee, receiver or partnership sells, transports, or delivers natural gas at retail to domestic consumers within the incorporated limits of any city, town, or village within the State of Texas for profit; it is expressly intended hereby that the sales, transportation or delivery of natural gas for the purposes or uses enumerated in (a), (b), or (c) shall be subject to the jurisdiction, control and regulation of the Railroad Commission of Texas when such sales, transportation or delivery of natural gas for the purposes or uses enumerated in (a), (b), or (c) are made by any person, association, private corporation, trustee, receiver or partnership who also sells, transports or delivers natural gas at retail to domestic consumers within the incorporated limits of any city, town or village within the State of Texas for profit."

Sec. 2. Section 4(a) of Article 6050, Revised Civil Statutes of Texas, 1925, is amended by striking all of Section 4(a) and inserting in lieu thereof the following:

"Section 4(a). Provided that the Commission shall not review existing rates or review or determine new rates unless petitioned by the 'gas utility,' 'public utility,' or 'utility' or unless petitioned by ten per cent (10%) or more of the irrigation and/or agricultural customers affected. Upon request of ten (10) or more of said irrigation and/or agricultural customers affected at any time, or upon announcing or implementing a rate increase, the 'gas utility,' 'public utility,' or 'utility' shall inform the Commission in writing within ten (10) days the number of said affected irrigation and/or agricultural customers."

Sec. 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 4. The fact that it is imperative to the agricultural economy of this State that this legislation be passed and become effective without delay creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read.

Pending discussion of the Conference Committee Report, Senator Owen raised the point of order that the bill under consideration remove an exemption from taxation that now exists and that therefore the bill under discussion is a revenue-raising measure which should originate in the House.

The President Pro Tempore (Senator Herring in the Chair) overruled the point of order.

Senator Rogers moved the adoption of the Conference Committee Report.

Question—Shall the Conference Committee Report on S. B. No. 39 be adopted?

Recess

On motion of Senator Lane the Senate at 11:58 o'clock a.m. took recess until 2:00 o'clock p.m. today.

After Recess

The President Pro Tempore called the Senate to order at 2:00 o'clock p.m. today.

Leave of Absence

Senator Roberts was granted leave of absence for today on account of important business on motion of Senator Secrest.

Message from the House

Hall of the House of Representatives
Austin, Texas,
February 1, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 40, Congratulating Dr. Konrad Adenauer, Chancellor of the Federal Republic of Germany, on his 86th birthday.

H. C. R. No. 41, Congratulating Bernard Downey Grover, son of Representative and Mrs. Henry Cushing Grover.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Bills and Resolutions Signed

The President Pro Tempore signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S. B. No. 32, A bill to be entitled "An Act re-establishing and recreating Angleton Drainage District of Brazoria County, Texas, as 'Angleton Drainage District' subject to the provisions of this Act; and declaring an emergency."

S. B. No. 33, A bill to be entitled "An Act re-establishing and recreating Velasco Drainage District of Brazoria County, Texas, as 'Velasco Drainage District' subject to the provisions of this Act; and declaring an emergency."

S. B. No. 53, A bill to be entitled "An Act enlarging Jefferson County Drainage District No. 7, Jefferson County, Texas; and defining the boundaries; finding the field notes and boundaries form a closure, and related matters; creating and establishing same as a District under Section 59, Article XVI, Texas Constitution; granting to said District the powers and rights conferred by Section 59, Article XVI, Constitution of Texas, and the general laws relating to drainage districts with certain exceptions; granting additional powers to provide protection against flooding, etc., and declaring an emergency."

S. B. No. 100, A bill to be entitled "An Act abolishing the board of county school trustees and the office of county superintendent in any county in this State having a population of not less than seventy-five thousand (75,000) and not more than one hundred twenty-five thousand (125,000) according to the last preceding Federal Census which has not more than one (1) common school district and whose county ad valorem evaluation is in excess of One Hundred Forty Million Dollars (\$140,000,000); etc.; and declaring an emergency."

S. C. R. No. 14, Granting permission to R. A. Coale to sue the State of Texas.

S. C. R. No. 17, Granting Oswald C. Bryan, et al., permission to sue the State of Texas.

S. C. R. No. 21, Granting to City of Austin right-of-way for street purposes.

S. C. R. No. 23, Relative to furnishings in Sam Houston Room of Mansion being transferred to Archives Building.

S. C. R. No. 15, Granting Walter F. Myers permission to sue the State of Texas.

Senate Resolution 89

Senator Schwartz by unanimous consent offered the following resolution:

Whereas, We are honored this week to have as visitors in the Texas Senate, W. G. McCormack, Youth Director of the Galveston Y. M. C. A., his wife, Mrs. McCormack, and their son,

John McCormack, accompanying John Hamilton, William Johnigan, Richard Evans, John Lefeber, Robert Baker, Frank Newkirk and David Layton, and Misses Janie Larschied, Jill Farren, Dot Nelson, Vicki Tavener, Sue Morris, Mary Marmion and Sue Pichard; and

Whereas, During this week the young men are serving as honorary pages and the young ladies as honorary secretaries in the Texas House of Representatives, the Texas Senate, and the Office of the Governor; and

Whereas, We desire to welcome these distinguished young citizens to the Capitol Building and Capital City, and to acknowledge their keen interest in the processes of government through their participation in the Hi-Y Youth and Government Program; now, therefore, be it

Resolved, That their presence be recognized by the Senate of the State of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Schwartz by unanimous consent presented the guests to the Members of the Senate.

Conference Committee Report on Senate Bill 39

Senator Rogers renewed his motion to adopt the Conference Committee Report on S. B. No. 39 (the report having been submitted this morning and a motion made to adopt).

Question — Shall the Conference Committee Report on S. B. No. 39 be adopted?

The motion to adopt the Conference Committee Report failed by the following vote:

Yeas—12

Aikin	Patman
Herring	Roberts
Kazen	Rogers
Krueger	Schwartz
Moffett	Secrest
Moore	Spears

Nays—14

Baker	Hazlewood
Calhoun	Hudson
Colson	Lane
Creighton	Owen
Crump	Parkhouse
Hardeman	Ratliff

Reagan	Willis
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Absent

Dies	Martin
Fuller	

Absent—Excused

Smith	Weinert
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Senate Bill 69 with
House Amendments

Senator Baker called S. B. No. 69 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Baker moved that the Senate concur in the House amendments. The motion prevailed.

Senate Bill 44 with
House Amendments

Senator Parkhouse called S. B. No. 44 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Parkhouse moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—22

Aikin	Krueger
Baker	Lane
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Crump	Patman
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Schwartz
Hudson	Secrest
Kazen	Willis

Nays—1

Rogers

Absent

Dies	Owen
Fuller	Spears
Martin	

Absent—Excused

Roberts Weinert
Smith

**Senate Bill 80 with
House Amendments**

Senator Hardeman called S. B. No. 80 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Hardeman moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—25

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Willis
Lane	

Absent

Dies Spears
Fuller

Absent—Excused

Roberts Weinert
Smith

**House Concurrent Resolution 40
on Second Reading**

The President Pro Tempore laid before the Senate on its second reading the following resolution:

H. C. R. No. 40, Extending congratulations on the 86th birthday of Dr. Konrad Adenauer.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

**House Concurrent Resolution 41
on Second Reading**

The President Pro Tempore laid before the Senate on its second reading the following resolution:

H. C. R. No. 41, Extending good wishes and congratulations to Bernard Downey Grover.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

Senate Resolution 90

Senator Aikin offered the following resolution:

Whereas, Mrs. J. W. E. H. Beck, wife of a former member of the Senate and who has been Hostess in the Capitol for many years is retiring; and

Whereas, Mrs. Beck has done an excellent job in her work; and

Whereas, Her wonderful personality and vast knowledge of the Capitol, together with her friendly manner in dealing with people, has made her one of the most beloved of those in the Capitol; now, therefore, be it

Resolved, That the Senate by this Resolution express to Mrs. Beck our sincere best wishes in her retirement.

AIKIN

HARDEMAN

Signed—Charles F. Herring, President Pro Tempore; Baker, Calhoun, Colson, Creighton, Crump, Dies, Fuller, Hazlewood, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Patman, Ratliff, Reagan, Roberts, Rogers, Schwartz, Secrest, Smith, Spears, Weinert, Willis.

The resolution was read.

On motion of Senator Colson, the names of all the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

**Senate Bill 66 with
House Amendments**

Senator Rogers called S. B. No. 66 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Rogers moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—25

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Patman
Crump	Ratliff
Hardeman	Reagan
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Spears
Krueger	Willis
Lane	

Nays—1

Parkhouse

Absent

Dies Fuller

Absent—Excused

Roberts Weinert
Smith

Senate Bill 37 with
House Amendments

Senator Schwartz called S. B. No. 37 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Schwartz moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—26

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Spears
Lane	Willis

Absent

Dies Fuller

Absent—Excused

Roberts Weinert
Smith

Senate Bill 84 with
House Amendments

Senator Spears called S. B. No. 84 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Spears moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Spears
Lane	Willis
Martin	

Absent

Baker Fuller
Dies

Absent—Excused

Roberts Weinert
Smith

Executive Session

Senator Dies asked unanimous consent for the Senate to go into Executive Session at 2:42 o'clock p.m. today.

Accordingly, the President Pro Tempore directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be Judge of the District Court of the 89th Judicial District, to fill the unexpired term of Judge Graham B. Purcell, Jr., resigned: J. Walter Friberg of Wichita Falls, Wichita County.

To be a Branch Pilot for the Sabine Bar, Pass and Tributaries, for a two-year term to expire September 25, 1963: S. W. Levingston of Port Arthur, Jefferson County.

In Legislative Session

The President Pro Tempore called the Senate to order as In Legislative Session at 3:04 o'clock p.m. today.

House Concurrent Resolution 10 on Second Reading

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 10, Authorizing Governor to appoint a Commission to make a study of desirability and feasibility for Texas to enter the 1964-65 World's Fair, etc.

The resolution was read.

On motion of Senator Spears and by unanimous consent the resolution was withdrawn.

Remarks of Senator Fuller Relative to House Bill 113 Ordered Printed in Senate Journal

The following remarks of Senator Fuller were ordered printed in the Senate Journal:

House Bill 113, proposing a new district court for Orange County, Texas, was received in the Senate at 11:05 a.m. on this date, Thursday, February 1, 1962.

I was called on Monday night, January 29, 1962, at approximately 11 p.m. by Governor Daniel. He advised me that he was going to send up a message to allow Representative Haynes to introduce this proposed bill. At that time, I advised the Governor that the Constitutional 3 day

rule would be in effect in approximately 1 hour, that is, at midnight, Monday, January 29th, and that there would be no legal way we could run with the bill. However, he said it would help Representative Haynes if he was allowed to introduce the bill.

At 11:30 a.m., Tuesday, January 30th, the Governor's message came to the Senate on this bill. Because of the 3 day rule being in effect, I gave no more thought to said bill.

On Wednesday morning, January 31st, just prior to noon, I learned that the Governor had given the message to the House late in the afternoon on Monday, January 29th, and that a Jim Hogg meeting (a hurried meeting on the floor of the House while in session—allowed only in the House) was held by the committee of the House that it was referred to and that same had passed out and had already passed to Second Reading in the House at the time that I was advised of these details.

Subsequent to this, right after lunch on the same date, a committee of Orange County Bar lawyers, headed up by Ward Stephenson, came to my office stating that they had been requested to come to Austin by Representative Haynes. I advised them at this time and date that if the bill should finally pass the House, that by the time it got to the Senate and before we could have a Hearing on the bill, because of being in session at this time, that the 24 hour rule would go into effect, simply meaning that it was absolutely impossible for the bill to pass the Senate in this session. However, the bill did not come to the Senate, as heretofore stated, until the last day of the session, Thursday, February 1, 1962.

I want the Journal to reflect that the action by the Governor allowing this bill to be introduced at such a late date and Representative Haynes carrying the bill in the House as he did was simply for the purpose of political expediency.

FULLER

Message from the House

Hall of the House of Representatives
Austin, Texas,
February 1, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 43, That the Joint Rules of the two Houses be, and they are hereby, suspended so that either House may take up and consider House Bill No. 95 and Senate Bill No. 98 at any time.

H. C. R. No. 46, Suspending the Joint Rules so as to permit the House to consider local bills.

H. C. R. No. 42, Suspending the Joint Rules so as to permit the House to consider House Bill No. 113.

H. C. R. No. 29, Suspending the Joint Rules so as to permit the House to consider House Bill No. 70.

S. C. R. No. 27, Relative to suspending Joint Rules in order to consider House Bill No. 10 at any time, etc.

H. C. R. No. 34, Suspending the Joint Rules so as to permit either House to consider House Bill No. 105.

H. C. R. No. 45, Suspending the Joint Rules so as to permit either House to consider House Bill No. 103.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Concurrent Resolution 46 on Second Reading

On motion of Senator Schwartz and by unanimous consent the President Pro Tempore laid before the Senate on its second reading the following resolution:

H. C. R. No. 46, Suspending Joint Rules to permit the House to consider the following local bills at any time, Thursday, February 1, 1962: S. B. No. 45, S. B. No. 47, S. B. No. 48, S. B. No. 59, S. B. No. 91, S. B. No. 96 and S. B. No. 101.

The resolution was read.

Senator Martin offered the following amendment to the resolution:

Amend H. C. R. No. 46, by adding to this list of bills the following:

"S. B. No. 99, H. B. No. 103 and H. B. No. 111."

The amendment was adopted.

The resolution as amended was then adopted.

House Concurrent Resolution 45 on Second Reading

On motion of Senator Martin and by unanimous consent the President Pro Tempore laid before the Senate on its second reading the following resolution:

H. C. R. No. 45, Suspending the Joint Rules so as to permit either House to consider House Bill No. 103.

The resolution was read and was adopted.

Senate Concurrent Resolution 28

Senator Rogers offered the following resolution:

S. C. R. No. 28, Suspending Joint Rules to consider S. B. No. 65 at any time.

Be it resolved by the Senate of the State of Texas, the House of Representatives concurring, that the Joint Rules be, and they are hereby suspended to allow either house to consider Senate Bill No. 65 at any time.

The resolution was read.

On motion of Senator Rogers and by unanimous consent the resolution was considered immediately and was adopted.

At Ease

On motion of Senator Aikin the Senate at 4:10 o'clock p.m. agreed to stand At Ease subject to the call of the Chair.

In Legislative Session

The President Pro Tempore called the Senate to order at 5:27 o'clock p.m. today.

Conference Committee Report on House Bill 3

Senator Owen submitted the following Conference Committee Report on H. B. No. 3:

Austin, Texas,
February 1, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate:

Hon. James A. Turman, Speaker of the House of Representatives:

Sirs: We, your Conference Committee appointed to adjust the differences between the Senate and the

House of Representatives on H. B. No. 3, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

OWEN
DIES
REAGAN
KRUEGER

On the part of the Senate;

COLE
STEWART
of Wichita
TOWNSEND
KENNARD
McGREGOR
of El Paso

On the part of the House.

H. B. No. 3:

A BILL
TO BE ENTITLED

An Act to define and regulate the business of lending money at rates of interest exceeding ten per cent (10%) per annum; to prohibit any person engaged in the business of making loans with cash advances of Eight Hundred Dollars (\$800) or less from charging rates of interest exceeding ten per cent (10%) per annum unless such person is licensed; to authorize the licensing and regulation of persons engaged in such business; to permit licensees to charge a greater rate of interest than lenders not licensed hereunder; to prescribe maximum rates of interest that licensees are permitted to charge; to provide for administration and enforcement of this Act and the issuance of regulations and orders therefor; to authorize the making of examinations and investigations and the publication of reports thereof; to provide for the review of administrative acts hereunder; to provide penalties; to provide certain exemptions; to amend Chapter 144, Acts of the Forty-eighth Legislature, Regular Session, 1943, compiled as Article 4646b, Vernon's Annotated Civil Statutes, and Articles 5069, 5071 and 5073, Revised Civil Statutes of Texas, 1925; to repeal Chapter 472, Acts of the Fifty-second Legislature, Regular Session, 1951, compiled as Article 1524a-1, Vernon's Annotated Civil Statutes, and Chapter 17, Acts of the Fortieth Legislature, First Called Session, 1927, as last amended by Chapter 195, Acts of the Forty-ninth Legisla-

ture, Regular Session, 1945, compiled as Article 6165a, Vernon's Annotated Civil Statutes and Article 1129a, Vernon's Annotated Penal Code, and Subdivisions (5) and (6) of Article 19.01, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, and all other laws or parts of laws in conflict; to provide for severability; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Declaration of Legislative Intent.

The Legislature finds as facts and determines:

(a) Small loans such as installment loans, personal loans, and the like, constitute an extremely important segment of the economic life of the State. There exists among citizens of the State a widespread demand for such loans, a demand which has been increasing progressively due to a number of social and economic factors.

(b) Due to the lack of adequate regulation in this field some unethical and unscrupulous lenders are presently engaged in the business of making small loans and are subjecting borrowers to a variety of vicious abuses.

(c) Because of this situation, the Texas Legislative Council was requested to study the field of small loans and report its findings and recommendations to the Legislature.

(d) The Legislative Council found that small loans make an important and useful contribution to our society in that they provide the only means by which many individuals and families can secure credit necessary to improve their standards of living and to meet unforeseen emergencies.

(e) The Legislative Council also found that small loan credit operations in Texas have been characterized by a number of abuses on the part of some lenders such as overcharging on loans, pyramiding of loans and entrapment of borrowers, and that these abuses stem from the lack of adequate regulation. To curb these abuses the Legislative Council recommended the adoption of legislation designed to eliminate unethical and unscrupulous lenders, regulate and control business practices, curb abuses of borrowers and provide fair and reasonable rates of charges for borrowers and lenders alike.

(f) These facts characterize and distinguish loans with cash advances of Eight Hundred Dollars (\$800) or less and legislation to control loans of this type is necessary to protect the public interest.

(g) It is the intent of the Legislature in enacting this Statute to bring under public supervision those engaged in the business of making such loans; to eliminate the practices that result in the abuse of borrowers; to establish a system of regulation for the purpose of insuring honest and efficient loan service and of stimulating competition in such lending; to provide schedules of charges which are fair, just and equitable for borrowers and lenders alike.

Sec. 1a. Short Title.

This Act shall be known and may be cited as the "Texas Small Loan Act."

Sec. 2. Definitions.

The following words and terms when used in this Act shall have the following meaning, unless the context clearly requires a different meaning. The meanings applied to the singular forms shall also apply to the plural.

(a) "Person" means an individual, co-partnership, association, trust corporation and any other legal entity.

(b) "License" means the authority to do business under this Act.

(c) "Licensee" means any person to whom one (1) or more licenses have been issued.

(d) "Commissioner" shall mean the Small Loan Commissioner of Texas.

(e) "Finance Commission" means The Finance Commission of Texas created by the Texas Banking Code of 1943.

(f) "Cash advance" means the amount of cash or its equivalent the borrower actually receives and shall also include that paid out at his direction or request, on his behalf or for his benefit.

(g) "Interest" shall be that compensation allowed by this Act for the use or forbearance or detention of the cash advance. As used in this Act the term "interest" shall specifically include the total amount of "Authorized Charges" authorized by this Act. The maximum rate of interest that a licensee may charge for a cash advance made under this Act is the total of the Maximum Authorized Charges that are authorized and limited by Section 16 of this Act.

(h) "Authorized Charge" or "Au-

thorized Charges" means the total amount of charges specifically authorized in Section 16 of this Act, including interest, and those items specified in Section 16(d) of this Act.

Sec. 3. Office of Small Loan Commissioner Created.

(a) There is hereby created the Office of Small Loan Commissioner of the State of Texas. The Commissioner shall be appointed by the Finance Commission and shall serve at the pleasure of the Finance Commission. The Commissioner shall be an employee of the Finance Commission, subject to its orders and directions, and shall receive such compensation as is fixed by the Finance Commission. The Commissioner is authorized to appoint and remove examiners and employees, and to prescribe the duties of each. The number of examiners and employees to be appointed and the compensation to be paid them shall be approved by the Finance Commission.

(b) The Commissioner shall, from time to time as directed by the Finance Commission, submit to the Finance Commission a full and complete report of the receipts and expenditures of the Office of Small Loan Commissioner and the Finance Commission may, from time to time, examine the financial records of the Office of the Small Loan Commissioner, or cause them to be examined. In addition, the Office of the Small Loan Commissioner shall be audited from time to time by the State Auditor in the same manner as State Departments. The Finance Commission shall adopt, and from time to time amend, budgets which shall direct the purpose and prescribe the amounts for which the fees and revenues of the Office of Small Loan Commissioner shall be expended, and the Finance Commission shall as of December 31, 1962, and annually thereafter report to the Governor the receipts and disbursements of the Office of Small Loan Commissioner for each calendar year.

(c) All fees and revenues collected by the Office of Small Loan Commissioner from every source whatsoever shall be retained and held by said Office and shall be expended only for the administration and enforcement of this Act. No part of such fees and revenues shall ever be paid into the General Revenue Fund of the State; provided, however, that the Office of

Small Loan Commissioner shall reimburse the Office of the State Auditor for the actual expense of each audit of the Office of the Small Loan Commissioner, and in addition, the Office of the Attorney General shall be reimbursed for the actual expenses incurred by the Office of the Attorney General in legal actions relating to the administration and enforcement of this Act. All expenses incurred by the Office of Small Loan Commissioner shall be paid only from the fees and revenues of such Office and no such expense shall ever be a charge on the General Revenue Fund of the State.

(d) The Commissioner shall appoint a Deputy Commissioner, such examiners and assistant examiners as may be required to examine all licensees under this Act annually and such employees as may be necessary to maintain and operate the Office of Small Loan Commissioner and to enforce the laws of this State relative to licensees under this Act. The Deputy Commissioner, the examiners and assistant examiners and all such officers and employees shall receive such compensation as shall be fixed by the Finance Commission.

(e) The Commissioner, the Deputy Commissioner, the examiners and assistant examiners shall, before entering upon the duties of office, take the oath of office required of appointive officers and make a fidelity bond in the sum of Ten Thousand Dollars (\$10,000) payable to the Finance Commission and its successors in office, in individual, schedule or blanket form, executed by a surety appearing upon the list of approved sureties acceptable to the Finance Commission. The bond shall be in a form approved by the Finance Commission. The premiums for all such bonds shall be paid out of the fees and revenues collected by the Commissioner.

(f) The Commissioner shall supervise and shall regulate, as provided in this Act, all licensees and shall enforce the provisions of this Act in person or through the Deputy Commissioner or any examiner or assistant examiner. The Commissioner, the Deputy Commissioner, each examiner and assistant examiner and each employee under this Act shall not be personally liable for damages occasioned by his official acts or omissions except when such acts or omissions are corrupt or malicious. The

Attorney General shall defend any action brought against any of the above mentioned officers or employees by reason of his official act or omission whether or not at the time of the institution of the action the defendant has terminated his services with the Office of the Small Loan Commissioner.

Sec. 4. Scope.

(a) On and after ninety (90) days from the effective date of this Act, no person shall, without first obtaining a license from the Commissioner, engage in the business of making loans with cash advances of Eight Hundred Dollars (\$800) or less, and contract for, charge or receive, directly or indirectly, on or in connection with any such loan, any charges, whether for interest, compensation, insurance, consideration or expense or other thing or otherwise, which in the aggregate are greater than such person would be permitted by law to charge if he were not a licensee under this Act. During such ninety (90) day period, any person who has applied for such license, or filed written notice of intention to apply for such license with the Commissioner, and who has not been denied, shall be subject to all the provisions of this Act and may contract for, charge and receive authorized charges as if he were a licensee.

(b) The provisions of Section 4(a) shall apply to any person who seeks to evade its application by any device, subterfuge or pretense whatsoever.

(c) Any person and the several members, officers, directors, agents and employees thereof, who shall willfully violate or participate in the violation of Section 4(a) shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than One Hundred Dollars (\$100) and not more than One Thousand Dollars (\$1,000) or by confinement in the county jail for not more than six (6) months, or by both such fine and imprisonment. Any loan contract in the making or collection of which any act shall have been done which violates Section 4(a) shall be void and the lender shall have no right to collect, receive or retain any principal, interest or charges.

Sec. 5. Exemptions.

(a) The provisions of this Act shall not apply to any of the following persons and the following transactions;

nor shall any of such persons be eligible to receive a license under this Act:

(1) Any person doing business under the authority of and as permitted by the Texas Banking Code of 1943, as amended.

(2) Any person doing business under the authority of and as permitted by Articles 852 through 881, Revised Civil Statutes of Texas, 1925, and Chapter 61, Acts of the 41st Legislature, Second Called Session, 1929, as amended, relating to Building and Loan Associations.

(3) Any person doing business under the authority of and as permitted by Articles 2461 through 2484, Revised Civil Statutes of Texas, 1925, as amended, relating to Credit Unions.

(4) Any person doing business under the authority of and as permitted by Articles 1514 through 1519, Revised Civil Statutes of Texas, 1925, relating to Agricultural Finance Corporations.

(5) Any person doing business under the authority of and as permitted by Articles 2485 through 2499, Revised Civil Statutes of Texas, 1925, as amended, relating to Agricultural and Livestock Pools.

(6) Any person doing business under the authority of and as permitted by Articles 2500 through 2507, Revised Civil Statutes of Texas, 1925, as amended, relating to Mutual Loan Corporations.

(7) Any person doing business under the authority of and as permitted by Articles 2508 through 2513, Revised Civil Statutes of Texas, 1925, relating to Cooperative Credit Associations.

(8) Any person doing business under the authority of and as permitted by Articles 2514 through 2524, Revised Civil Statutes of Texas, 1925, relating to Farmers Cooperative Societies.

(9) Any person doing business under the authority of and as permitted by Articles 5578 through 5611, Revised Civil Statutes of Texas, 1925, relating to Markets and Warehouse Corporations.

(10) Any person doing business as an insurance company under the authority of and as permitted by the Insurance Code of Texas, as amended.

(11) Any person doing business under the authority of and as permitted by any law of the United States relating to National Banks, Federal Credit Unions or other Fed-

eral Lending Agencies or Institutions.

(12) Any person doing business as a pawnbroker under the authority of and as permitted by Articles 6146 through 6161, Revised Civil Statutes of Texas, 1925, when such person does not require the personal liability of the borrower in a loan transaction.

(13) Any person doing business under the authority of and as permitted by Article 1513, Revised Civil Statutes of Texas, 1925, and Chapter 388, Acts of the Fifty-fifth Legislature, Regular Session, 1957, relating to Trust Companies.

(b) The provisions of this Act shall not apply to any bona fide cash or credit sale of property permitted by the laws of the State of Texas, either at wholesale or retail.

Sec. 6. Application for License; Fees; Appointment of Agent.

(a) Application for a license shall be in writing, under oath, and in the form prescribed by the Commissioner; shall give the location from which the business is to be conducted, and shall contain such relevant information as the Commissioner may require, including identification of the principal parties in interest, and the names and addresses of the principal owners, officers and directors, to provide the basis for the findings necessary under Section 7. Upon making application, the applicant shall pay One Hundred Fifty Dollars (\$150) to the Commissioner as an investigation fee, and One Hundred Fifty Dollars (\$150) as the annual fee provided in Section 8 of this Act for the current calendar year, provided that if the license is granted after June 30th in any year such fee shall be Seventy Five Dollars (\$75.00) for that year. No person convicted of a felony or a misdemeanor involving moral turpitude shall be eligible for a license hereunder.

(b) Every licensee shall maintain on file with the Commissioner a written appointment of a resident of this State as his agent for service of all judicial or other process or legal notice, unless the licensee has appointed a resident agent under another statute of this State.

(c) Every applicant shall also, at the time of filing such application, file with the Commissioner a bond satisfactory to him and in an amount not less than Ten Thousand Dollars (\$10,000) with a surety company qualified to do business in this State as surety, whose total liability in the aggregate

shall not exceed the amount of such bond so fixed. The amount of the bond shall be increased by Five Thousand Dollars (\$5,000) for each additional office to be operated by the applicant within the State. The said bond shall run to the State for the use of the State and of any person or persons who may have cause of action against the obligor of said bond under the provisions of this Act. Such bond shall be conditioned that said obligor will faithfully conform to and abide by the provisions of this Act and of all rules and regulations lawfully made by the Commissioner hereunder, and will pay to the State and to any such person or persons any and all amounts of money that may become due or owing to the State or to such person or persons from said obligor under and by virtue of the provisions of this Act during the calendar year for which said bond is given.

Sec. 7. Issuance or Denial of License.

(a) Upon filing of such application, bond and payment of the required fees, the Commissioner shall investigate the facts and if he shall find the financial responsibility, experience, character and general fitness of the applicant are such as to command the confidence of the public and to warrant belief the business will be operated lawfully and fairly, within the purposes of this Act, and the applicant has available for the purpose of making loans under this Act at the specified location liquid assets of at least Fifteen Thousand Dollars (\$15,000), he shall grant such application and issue to the applicant a license which shall be his license and authority to make loans under the provisions of this Act.

(b) No person who is not a resident of the State of Texas shall be eligible to receive a license under this Act. No license shall be issued to a corporation unless the same be incorporated under the laws of this State and at least fifty-one percent (51%) of the stock of the corporation is owned at all times by citizens of the State of Texas and who possess the qualifications required of other applicants for license; provided, however, that the restrictions contained in the preceding clause shall not apply to domestic corporations, or to foreign corporations which were doing business in this State under charter or license prior to November 8, 1960. Partnerships, firms, and associ-

ations applying for licenses shall be composed wholly of citizens possessing the qualifications above enumerated. Any corporation holding a license under this Act which shall violate any provisions hereof, or any rule or regulation promulgated hereunder, shall be subject to forfeiture of its license and it shall be the duty of the Attorney General, when any such violation is called to his attention, to file suit for such cancellation in a district court in Travis County.

(c) If the Commissioner shall not so find, he shall enter an order denying such application and forthwith notify the applicant of the denial, who shall, on written request within thirty (30) days, be entitled to a hearing on such application within sixty (60) days after the date of said request. The investigation fee shall be retained by the Commissioner, but the annual fee shall be returned to the applicant in the event of denial.

(d) The Commissioner shall grant or deny each application for a license within thirty (30) days from its filing with the required fees, or, from the hearing thereon, if any, unless the period is extended by written agreement between the applicant and the Commissioner.

Sec. 8. License; Annual Fee; Minimum Assets.

(a) Each license shall state the address of the office from which the business is to be conducted and the name of the licensee. The license shall be displayed at the place of business named in the license. The license shall not be transferable or assignable.

(b) Each license shall remain in full force and effect until relinquished, suspended, revoked, or has expired. Every licensee shall on or before December 10th each year, pay the Commissioner One Hundred Fifty Dollars (\$150.00) for each license held by him, as the annual fee for the succeeding calendar year. If the annual fee remains unpaid fifteen (15) days after written notice of delinquency has been given to the licensee by the Commissioner, the license shall thereupon expire, but not before December 31st of any year for which an annual fee has been paid.

(c) Every licensee shall maintain liquid assets of at least Fifteen Thousand Dollars (\$15,000), either used or readily available for use in the conduct of the business of each licensed office.

Sec. 9. Offices; Removal.

(a) A license shall be required for each office operated under this Act. The Commissioner may issue more than one (1) license but no more than sixty (60) licenses to any one (1) person upon compliance with this Act as to each license. And it shall be unlawful for any person after the effective date of this Act, directly or indirectly, to hold or have an interest in more than sixty (60) licenses, the business thereof, or any interest in such licenses. Nothing contained herein, however, shall be construed to require a license for any place of business devoted to accounting or other record keeping and where loans under this Act are not made.

(b) When a licensee wishes to move his office to another location in the same city or town in which the license was originally granted, he shall give thirty (30) days' written notice to the Commissioner who shall amend the license accordingly. In such event, the licensee shall also give fifteen (15) days' written notice of his intention to remove his office to each of the borrowers having a loan outstanding at such office.

(c) When a licensee wishes to move his office from a location in one (1) city or town to a location in another city or town, he shall make application to the Commissioner for permission to make such change. The Commissioner, if he finds that the interests of the city or town will be served thereby, shall indorse on the license a transfer to the new place of business with the date of such transfer, which indorsement shall be authority for the operation of the business under the license at the new location.

Sec. 10. Revocation; Suspension; Surrender; Reinstatement of Licenses.

(a) The Commissioner shall, after notice and hearing, revoke any license if he finds that:

(1) The licensee has failed to pay the annual license fee imposed by this Act, or an examination fee, investigation fee or other fee or charge imposed by the Commissioner under the authority of this Act; or that

(2) The licensee, either knowingly or without the exercise of due care to prevent the same, has violated any provision of this Act or any regulation or order lawfully made pursuant to and within the authority of this Act; or that

(3) Any fact or condition exists which, if it had existed or had been known to exist at the time of the original application for such license, clearly would have justified the Commissioner in refusing to issue such license.

The hearing shall be held upon twenty (20) days notice in writing setting forth the time and place thereof and a concise statement of the facts alleged to sustain the revocation. The hearing shall be full, fair and public. Such revocation and its effective date shall be set forth in a written order accompanied by findings of fact and a copy thereof shall be forthwith delivered to the licensee. Such order, findings and the evidence considered by the Commissioner shall be filed with the public records of the Commission.

(b) If the Commissioner finds that probable cause for revocation of any license exists and that enforcement of the Act requires immediate suspension of such license pending investigation, he may, upon ten (10) days written notice and a hearing, enter an order suspending such license for a period not exceeding three (3) months.

(c) Any licensee may surrender any license by delivering it to the Commissioner with written notice of its surrender, but such surrender shall not affect his civil or criminal liability for acts committed prior thereto.

(d) No revocation, suspension, or surrender of any license shall impair or affect the obligation of any pre-existing lawful contract between the licensee and any borrower.

(e) The Commissioner may reinstate suspended licenses or issue new licenses to a person whose license or licenses have been revoked if no fact or condition then exists which clearly would have justified the Commissioner in refusing originally to issue such license under this Act.

Sec. 11. Examination of Licensees; Access to Records; Investigations; Injunctions.

(a) At least once each year and at such other times as the Commissioner shall deem necessary, the Commissioner, or his duly authorized representative shall make an examination of the place of business of each licensee and shall inquire into and examine the loans, transactions, books, accounts, papers, correspondence, and records of such licensee in-

sofar as they pertain to the business regulated by this Act. In the course of such examination, the Commissioner or his duly authorized representative shall have free access to the office, places of business, files, safes, and vaults of such licensees, and shall have the right to take or to make copies of such books, accounts, papers, correspondence and records. The Commissioner or his duly authorized representative may, during the course of such examination, administer oaths and examine any person under oath upon any subject pertinent to any matter about which the Commissioner is authorized or required by this Act to consider, investigate, or secure information. Any licensee who shall fail or refuse to let the Commissioner or his duly authorized representative examine, take, or make copies of such books, or other documents shall thereby be deemed in violation of this Act and such failure or refusal shall constitute grounds for the suspension or revocation of such license. The information obtained in the course of such examination shall be confidential. Each licensee shall pay to the Commissioner the cost of the examination, but not to exceed Fifty Dollars (\$50) per day per examiner and the total cost of examinations assessed and charged a licensee in any one (1) calendar year shall not exceed Two Hundred Fifty Dollars (\$250) for each licensed office.

(b) For the purpose of discovering violations of this Act or of securing information required hereunder, the Commissioner or his duly authorized representatives may investigate the books, accounts, papers, correspondence and records of any licensee or other person who the Commissioner has reasonable cause to believe is violating any provision of this Act whether or not such person shall claim to be within the authority or scope of this Act. For the purposes of this subsection any person who advertises for, solicits or holds himself out as willing to make loans with cash advances in the amount or the value of Eight Hundred Dollars (\$800) or less, shall be presumed to be engaged in the business described in Section 4 of this Act.

(c) In the course of any examination or investigation or hearing looking to the enforcement or administration of any provision of this Act, the Commissioner may require by

subpoena or summons, issued by the Commissioner addressed to any peace officer within this State, the attendance and testimony of witnesses, and the production of books, accounts, papers, correspondence, or records (excepting such as are absolutely necessary for the continued course of business) which such books, accounts, papers, correspondence, or records the Commissioner shall have the right to examine, or cause to be examined, at the office, or place of business, and to require copies of such portions thereof as may be deemed necessary touching the matter in question, which copies shall be verified by affidavit of such concern or an officer of such concern, and shall, when certified by the Commissioner, be admissible in evidence in any investigation or hearing under this Act, or in any appeal to the District Court of Travis County, Texas, as provided by this Act and for this purpose the Commissioner may sign subpoenas, administer oaths and affirmations, examine witnesses and receive evidence. In case of disobedience of any subpoena, or of the contumacy of any witness appearing before the Commissioner, the Commissioner may invoke the aid of the district court within whose jurisdiction any witness may be found, and such court may thereupon issue an order requiring the person subpoenaed to obey the subpoena or give evidence, or produce books, accounts, correspondence, records and other documents touching the matter in question. Upon the filing of such application to enforce such subpoena, which application shall be treated in the same manner as a motion in a civil suit pending in said court, the court shall forthwith set such application down for hearing and shall cause a notice of the filing of such application and of such hearing to be served upon the party to whom such subpoena is directed. Such notice may be served by any peace officer in the State of Texas. Such application shall take precedence over all other matters of a different nature pending before such court. Any failure to obey such order of the court may be punished by such court as contempt thereof.

(d) In the course of any examination, investigation or hearing described in subsection (c) of this section, the Commissioner may appoint a hearing officer to conduct such examination, investigation or hearing,

and such hearing officer shall be vested for the purpose of such examination, investigation or hearing with the same power and authority as the Commissioner would have if he were personally conducting such examination, investigation or hearing, provided that such hearing officer shall not be authorized to make any order upon the subject matter of such examination, investigation or hearing; and provided further that the record of any examination, investigation or hearing conducted before the hearing officer may be considered by the Commissioner in the same manner and to the same extent as evidence that is adduced before him personally in any examination, investigation or hearing.

(e) The fee for serving the subpoena shall be the same as that paid a sheriff or constable for similar services. Each witness required to attend before the Commissioner shall receive for each day's attendance, the sum of Two Dollars (\$2) and shall receive in addition the sum of Ten Cents (10¢) for each mile traveled by such witness by the usual route going to or returning from the place where his presence is required, provided that such fees shall not become payable until the witness has actually appeared at such hearing. All disbursements made in the payment of such fees shall be included in and paid in the same manner as is provided for other expenses incident to the administration and enforcement of this Act.

(f) The fees, expenses and costs incurred at or in connection with any hearing may be imposed by the Commissioner upon any party in interest to the record or may be divided between any and all parties in interest to the record in such proportion as the Commissioner may determine.

(g) Whenever the Commissioner has reasonable cause to believe that any licensee or any other person is violating, or is threatening to violate any provision of this Act, he may in addition to all actions provided for in this Act and without prejudice thereto enter an order requiring such person to desist or to refrain from such violation; and an action may be brought in the District Court of Travis County, Texas, or in any district court of this State, on the relation of the Attorney General at the request of the Commissioner, to enjoin

such person from engaging in or continuing such violation or from doing any act or acts in furtherance thereof. In any such action, an order or judgment may be entered awarding such preliminary or final injunction as may be deemed proper. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which such action is brought shall have power and jurisdiction to impound, and to appoint a receiver for the property and business of the defendant, including books, papers, documents and records pertaining thereto or so much thereof as the court may deem reasonably necessary to prevent violations of this Act through or by means of the use of said property and business. Such receiver, when appointed and qualified, shall have such powers and duties as to custody, collection, administration, winding up and liquidation of such property and business as shall from time to time be conferred upon him by the court. This provision shall be cumulative of Articles 2293 through 2319, inclusive, Revised Civil Statutes of Texas, 1925, as amended.

Sec. 12. Records; Annual Reports.

(a) Each licensee shall keep in this State such books and records as are necessary to enable the Commissioner to determine whether the licensee is complying with this Act. Such books and records shall be consistent with accepted accounting practices.

Each licensee shall preserve such books and records in this State for at least two (2) years after making the final entry of any loan recorded therein. Each licensee's system of records shall be accepted if it discloses such information as may be reasonably required under Section 18 of this Act. All obligations signed by borrowers shall be kept at an office in this State designated by the licensee, except when hypothecated under an agreement by which the creditor give the Commissioner access thereto.

(b) Each licensee shall annually on or before the first day of April file a report with the Commissioner giving such relevant information as the Commissioner may reasonably require concerning the business and operations during the preceding calendar year for each licensed place of business conducted by such licensee within the State. In addition to all other information reasonably required by the Commissioner such re-

port shall show, among other things, a detailed breakdown of each expenditure for advertising, public relations, legal fees and consultant fees of any nature. Such breakdown shall show the amount of each such expenditure, the name and address of the person receiving such expenditure, and the purpose of such expenditure. Such report shall be made under oath and shall be in the form prescribed by the Commissioner, who shall make and publish annually a consolidated analysis and recapitulation of such reports. Failure to file a report within the time specified, filing a report with omissions or filing a false report shall be sufficient grounds for the irrevocable revocation of a license.

Sec. 13. Regulations; Copies; Public Record.

(a) The Commissioner may make regulations necessary for the enforcement of this Act and consistent with all of its provisions. Each such regulation shall include reference only to the section or subsection to which it applies. Before making a regulation, the Commissioner shall give every licensee at least twenty (20) days written notice of a public hearing, stating the time and place thereof and the terms or substance of the proposed regulation. At the hearing, any licensee may be heard and may introduce evidence data or arguments or place the same on file. After consideration of all relevant matter presented, the Commissioner shall promulgate every regulation in written form stating its effective date and the date of promulgation. Each regulation shall be entered in a permanent book which shall be a public record and be kept in the Commissioner's office. A copy of every regulation shall be mailed to each licensee and no regulation shall become effective until the expiration of at least twenty (20) days after such mailing.

(b) On application of any person and payment of the costs therefor, the Commissioner shall furnish, under his seal and signed by him or his deputy, a certificate of good standing, a certified copy of any license, regulation or order.

(c) Any transcript of any hearing held by the Commissioner or findings by the Commissioner under this Act shall be a public record and open to inspection at all reasonable times.

Sec. 14. Advertising.

No licensee shall advertise or cause

or permit to be advertised, in any manner whatsoever, any false, misleading or deceptive statement or representation with regard to the rates, terms or conditions for loans. If rates are stated in advertising, the Commissioner may require them to be stated fully and clearly.

No licensee under this Act shall use any advertising stating that said licensee is licensed by, or regulated by, the State of Texas, or any agency thereof; nor shall such licensee use words of similar import for advertising purposes.

Sec. 15. More Than One Business in Single Office.

(a) A licensee may conduct the business of making loans under this Act within any office, suite, room or place of business in which any other business is solicited or engaged in, or in association or conjunction with any other business, unless the Commissioner shall find, after a hearing, that the conduct by the licensee of such other business in the particular licensed office has concealed evasions of this Act and shall order such licensee, in writing, to desist from such conduct in such office; provided, however, no licensee shall operate an insurance business in any office where loan business is conducted under authority of this Act.

(b) No licensee shall conduct the business of making loans provided for by this Act under any name, or at any place of business within this State, other than that stated in the license.

(c) Nothing in this Act shall be construed to limit the loans of any licensee to residents of the community in which the licensed office is situated or to prohibit the licensee from making loans by mail.

Sec. 16. Maximum Interest Rates.

(a) Every licensee may contract for and receive on any loan of money not exceeding Eight Hundred Dollars (\$800) the following maximum authorized charges:

(1) Three per cent (3%) per month on any part of the unpaid principal balance up to, including, but not in excess of One Hundred Dollars (\$100).

(2) Two and one-half per cent (2½%) per month on any part of the unpaid principal balance in excess of One Hundred Dollars (\$100) up to, including, but not in excess of, Two Hundred Dollars (\$200).

(3) Two per cent (2%) per month

on any part of the unpaid principal balance in excess of Two Hundred Dollars (\$200) up to, including, but not in excess of Three Hundred Dollars (\$300).

(4) Five-sixths of one per cent ($\frac{5}{6}$ of 1%) per month of any part of the unpaid principal balance in excess of Three Hundred Dollars (\$300) up to, including, but not in excess of Eight Hundred Dollars (\$800).

(b) Every loan contract shall provide for repayment of principal and authorized charges in substantially equal and consecutive monthly installments, except that installments may be deferred when necessary because of the seasonal nature of the borrower's income.

(c) No licensee shall induce or permit any person, or husband and wife, to be obligated, directly or indirectly, under more than one (1) loan contract under this Act at the same time for the purpose, or with the effect, of obtaining a higher authorized charge than would otherwise be permitted by this Act; but such limitation shall not apply to the acquisition by purchase of bona fide obligations of the borrower incurred for goods or services, and provided further, if a licensee purchases all or substantially all the loan contracts of another licensee hereunder and has at the time of purchase loan contracts with one (1) or more of the borrowers whose loans are purchased, the purchaser shall be entitled to collect principal and authorized charges thereon according to the terms of each loan contract.

(d) In addition to the authorized charges provided in this Act no further or other charge or amount whatsoever shall be directly, or indirectly, charged, contracted for, or received. This includes (but is not limited by) all charges such as fees, compensation, insurance except as authorized in Section 17, bonuses, commissions, brokerage, discounts, expenses and every other charge of any nature whatsoever, whether of the types listed herein or not. Without limitation of the foregoing, such charges may be any form of costs or compensation whether contracted for or not, received by the licensee, or any other person, in connection with (1) the investigating, arranging, negotiating, procuring, guaranteeing, making, servicing, collecting or enforcing of a loan; or (2) for the forbearance of money, credit, goods or things in action; or (3) for any other service or

services performed or offered. However, the prohibition set out herein shall not apply to amounts actually incurred by a licensee as court costs; attorney fees assessed by a court; lawful fees for filing, recording, or releasing in any public office any instrument securing a loan; the reasonable cost actually expended for repossessing, storing, or selling any security; or fees for noting a lien or on transferring a certificate of title to any motor vehicle offered as security for a loan made under this Act.

(e) If any amount in excess of the authorized charges permitted by this Act is charged, contracted for, or received, except as the result of an accidental and bona fide error of computation, the contract of loan shall be void as against public policy and the licensee shall forfeit to the borrower an amount equivalent to the amount of the loan, together with all charges. In addition, the licensee and several members, officers, directors, agents and employees thereof who shall have violated or participated in such violation shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than One Thousand Dollars (\$1,000) and not less than One Hundred Dollars (\$100) or by confinement in the county jail for not more than six (6) months, or by both such fine and confinement.

In addition, the borrower shall be entitled to recover reasonable attorney fees incurred by him in any legal action brought to enforce any rights or penalties provided in this Act, when he prevails in such suit and such attorneys fees shall be taxed as costs in such suit.

Sec. 17. Insurance.

A licensee may require a borrower to purchase property insurance on the reasonable value of any property securing the loan, without including the charges therefor in the interest covered by the maximum rate schedule herein, if, and only if, all the following conditions are met:

(1) The licensee and each person, firm and corporation which owns any interest in the licensee, or in which the licensee owns any interest or which is as much as ten per cent (10%) commonly owned with the licensee by a third person, firm or corporation, and each agent and employee thereof and each officer and director thereof, and each dependent

and member of the immediate family of either of the foregoing, (a) has no ownership interest or management rights in the insurer and insurance agent, and insurance broker, or either of them, and (b) for a period of four (4) years before and four (4) years after such purchase of insurance has no reinsurance or other insurance agreement or transaction with the insurer or any person, firm or corporation which owns any interest in the insurer, or in which the insurer owns any interest or which is as much as ten per cent (10%) commonly owned with the insurer by a third person, firm or corporation, and (c) obtains no compensation or other benefit whatsoever, directly or indirectly, from the insurance transaction except the security for the loan.

(2) The premium rates therefor are fixed and regulated by the State Board of Insurance of the State of Texas.

(3) The insurance is written only by a company authorized to conduct such business in this State.

(4) The licensee does not by any method, directly or indirectly, encourage or require the purchase of such insurance from the insurer nor through any agent or other person, firm or corporation designated or indicated by the licensee.

(5) The licensee does not decline existing coverages or substantially similar benefits.

(6) Such security may only be insured against substantial risk or loss, damage or destruction for an amount not to exceed the amount of the loan and for a term and upon conditions which are reasonable and appropriate considering the nature of the property and the maturity and other circumstances of the loan contract.

(7) If the Commissioner shall find, after a hearing, that the encouragement or requirement of insurance by a licensee in connection with loans tends to conceal or facilitate violation or evasion of this Act or that the expense to the borrower of the insurance thus provided does not bear a reasonable relation to the protection afforded thereby to lender and/or borrower, the Commissioner shall order such licensee to desist from the encouragement or requirement of the offending practice, and shall prepare and publish an order denying to all licensees such practices or the use of such policies.

(9) When the licensee purchases

the insurance, the licensee shall deliver, or cause to be delivered, to the borrower, within (30) days from the date of the loan contract, a certificate or other memorandum showing the coverages and the cost of such insurance.

Sec. 18. Licensee's Duty to Borrower.

(a) When a loan is made, the licensee shall deliver to the borrower, or, if more than one (1), to one (1) of them, a signed copy of the note or loan contract in the English language showing the following information:

(1) The name and address of the borrower and of the licensee;

(2) The date and amount of the cash advance, the maturity date, and the agreed schedule of payments or a description of such payments;

(3) The nature of the security, if any;

(4) The rates of authorized charges contracted for as authorized by this Act, and the effective rate of interest.

(b) The licensee shall give a signed receipt to the person making a payment on any loan.

(c) At any time during regular business hours, the licensee shall permit any loan to be prepaid in full, or, if less than a prepayment in full, in an amount equal to one (1) or more full installments.

Sec. 19. Prohibited Practices.

(a) No licensee shall take a lien upon real estate as security for any loan made under this Act, except such lien as is created by law upon the recording of an abstract of judgment.

(b) No licensee shall take a lien on personal property as security for any loan of less than Two Hundred Dollars (\$200) made under this Act, except such lien as is created by law upon the recording of an abstract of judgment.

(c) No licensee shall take any confession of judgment or any power of attorney running to himself or to any third person to confess judgment or to appear for a borrower in a judicial proceeding.

(d) No licensee shall take any promise to pay or loan obligation that does not disclose the amount of the cash advance, the time for which it is made, the schedule of payments, the maturity date, and the amount of authorized charges.

(e) No licensee shall take any instrument in which blanks are left to be filled in after the loan is made.

Sec. 20. Limitation of Loan Period.
No licensee shall enter any contract of loan under this Act, under which the borrower agrees to make any scheduled payment of principal more than twenty-five (25) calendar months from the date of making such contract.

Sec. 21. Assignment of Future Wages.

No assignment of future wages shall be permitted under this Act.

Sec. 22. Harassment Prohibited.

No licensee shall engage in any form of written, oral or physical harassment which affects the mental or physical wellbeing of the borrower. Any licensee who persists in any such form of harassment after a warning to cease and desist by the Commissioner shall be in violation of this Act and shall have his license revoked.

Sec. 23. Borrower Remedies.

Any loan contract which violates any provision of this Act shall be void and the lender shall have no right to collect, receive or retain any principal or authorized charges. In addition, the borrower shall be entitled to recover reasonable attorneys fees incurred by him in any legal action brought to enforce any rights or penalties provided by this Act when he prevails in such suit, and such attorneys fees shall be taxes as costs in such suit.

Sec. 24. Loans Under \$50.

It is the specific legislative intent in enacting this Act that each licensee under this Act shall make at least five per cent (5%) of his loans to borrowers seeking loans of Fifty Dollars (\$50) or less. No licensee shall refuse to make a loan of Fifty Dollars (\$50) or less to any borrower who meets the general borrower requirements established by the licensee. No licensee shall induce or encourage any borrower seeking a loan of Fifty Dollars (\$50) or less to borrow a greater sum of money. The Commissioner shall examine the loan records of each licensee to insure that the licensee is complying with the provisions of this Section. If the Commissioner finds that any licensee is refusing to comply with the provisions of this Section, he shall forthwith revoke the license of such licensee.

Sec. 25. Disposition of Fees and Revenues.

All fees and other revenues received by the Commissioner under the provisions of this Act shall be used for the administration of this Act and

shall be funded and disbursed in accordance with the provisions of the Banking Department Self-Support and Administration Act.

Sec. 26. Commissioner to Report to the Legislature.

The Commissioner shall report to each Regular Session of the Legislature his findings and recommendations as to amendments to this Act which would provide more efficient and effective licensing, regulation and administration.

Sec. 27. Hearings and Review.

(a) At all hearings before the Commissioner under the provisions of this Act, parties in interest shall have the right to appear in person and by counsel, and to present oral and written evidence. If requested by a party in interest, a record shall be made of all evidence offered by such party and all other evidence considered by the Commissioner.

(b) Any party in interest aggrieved by any order, ruling or decision of the Commissioner may, within thirty (30) days after the date of entry, file in the District Court of Travis County, Texas, a petition against the Commissioner officially as defendant, alleging therein in brief detail the order, ruling or decision complained of and praying for a reversal or modification thereof. The Commissioner shall within twenty (20) days after the service upon him of such petition, certify to said District Court the record of the proceedings to which the petition refers, or such portion thereof as may be requested by the petitioner. The cost of preparing and certifying such record shall be paid to the Commissioner by the petitioner and taxed as a part of the costs in the case. Upon the filing of an answer by the Commissioner, the case before the District Court shall be at issue, without further pleadings, and upon application of either party shall be advanced and heard without further delay. The order of the Commissioner shall be sustained unless the hearing was conducted in a manner contrary to the rudiments of a fair hearing; or the order was based upon an error of law which affected petitioner's substantial rights; or was arbitrary, capricious or unreasonable; or the findings of fact were not reasonably supported by substantial evidence in the record, considered as a whole, adduced before the Commissioner. Provided, however, that any appeal to the District Court of Travis County, Texas,

of an order, ruling or decision of the Commissioner, refusing to grant a license or licenses to an applicant or revoking the license or licenses of a licensee, such appeal shall be upon trial de novo as that term is used in appealing from justice of the peace court to county court.

(c) Upon a showing of good cause therefor by a party in interest, the Commissioner or the Court may enter an order staying, pending appeal, the effect of an order of the Commissioner from which the party in interest desires to appeal.

Sec. 28. Pre-Existing Contracts.

No modification, amendment, or repeal of this Act or any part thereof shall impair or affect the obligation of any pre-existing lawful contract.

Sec. 29. Amending Chapter 144, Acts of the 48th Legislature, Regular Session, 1943.

Chapter 144, Acts of the 48th Legislature, Regular Session, 1943, compiled as Article 4646b, Vernon's Annotated Civil Statutes of Texas, is hereby amended to read as follows:

"Section 1. The State of Texas through its Attorney General, or any district or county attorney, may institute a suit in the district court to enjoin any person, firm or corporation or any officer, agent, servant or employee of such person, firm, or corporation who is engaged in the business of habitually loaning money for the use and detention of which usurious interest has been charged against or contracted to be paid by the borrower, from demanding, receiving or by the use of any means attempting to collect from the borrower usurious interest on account of any loan, or from thereafter charging any borrower usurious interest, or contracting for any usurious interest. All persons, firms or corporations, and their agents, officers, servants and employees similarly engaged in making loans of money as herein defined, who reside in the same county, may be joined in a single suit and no plea of misjoinder of parties defendant shall ever be available to any defendant in such suit.

Sec. 2. By the term 'habitually' as used in this Act is meant the making of as many as three (3) loans on which or in connection with which usurious interest is charged or contracted for within a period of six (6) months next preceding the filing of any such suit.

By the term 'usurious interest' as

used in this Act is meant interest at a rate in excess of ten per centum (10%) per annum, unless as to any class of credit transactions a higher rate of interest is fixed, as in the Texas Small Loan Act, Acts of the 57th Legislature, Third Called Session, 1962, or other Acts fixing maximum interest rates, then as to such transactions, the term 'usurious interest' means interest at a rate in excess of that allowed by law.

Sec. 2a. Nothing in this Act shall in any way modify, alter or change any valid provision of Article 8 of Chapter 5 of House Bill No. 79, Acts of the Regular Session, 48th Legislature, nor shall anything in this Act prevent charging of any actual and necessary expense, now or hereafter permitted and authorized by law, and such shall not be considered interest.

In the trial of any application for injunction under this Act there shall exist a prima facie presumption that the actual and necessary expenses of making any such loan was One Dollar (\$1) for each Fifty Dollars (\$50), or fractional part thereof loaned; but this prima facie presumption shall extend only to the first note or debt owing at the same time by an individual to any person, firm, corporation, partnership or association, and shall not apply to any renewal or extension thereof unless the original note or debt and all extensions thereof were for a period of not less than sixty (60) days.

Sec. 3. In any such suit venue shall lie in the county of the residence of a defendant, or in a county where such business of loaning money is being conducted by such defendant.

Sec. 4. If any section, sentence, phrase or part of this Act shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining portions thereof."

Sec. 30. Amending Article 5069, Revised Civil Statutes of Texas, 1925.

Article 5069, Revised Civil Statutes of Texas, 1925, is hereby amended to read as follows:

"Article 5069. Definitions.

'Interest' is the compensation allowed by law or fixed by the parties to a contract for the use of forbearance or detention of money; 'legal interest' is that interest which is allowed by law when the parties to a contract have not agreed upon any particular rate of interest; and "con-

ventional interest' is that interest which is agreed upon and fixed by the parties to a written contract. The maximum rate of interest shall not exceed that specifically fixed by the Legislature as in the Texas Small Loan Act, Acts of the 57th Legislature, Third Called Session, 1962, or other legislation; provided, however, in the absence of such legislation fixing maximum rates of interest, a greater rate of interest than ten per centum (10%) per annum shall be deemed usurious. 'Usury' is interest in excess of the amount allowed by law; all contracts for usury are contrary to public policy and shall be void."

Sec. 31. Amending Article 5071, Revised Civil Statutes of Texas, 1925.

Article 5071, Revised Civil Statutes of Texas, 1925, is hereby amended to read as follows:

"Article 5071. Limit on Rate.

Except where otherwise specifically provided by the Legislature, as in the Texas Small Loans Act, Acts of the 57th Legislature, Third Called Session, 1962, the parties to any written contract may agree to and stipulate for any rate of interest not exceeding ten per centum (10%) per annum on the amount of the contract; and except as above provided in this Article all other written contracts whatsoever, which may in any way, directly or indirectly, provide for a greater rate of interest shall be void and of no effect for the amount or value of the interest only; but the principal sum of money or value of the contract may be received and recovered."

Sec. 32. Amending Article 5073, Revised Civil Statutes of Texas, 1925.

Article 5073, Revised Civil Statutes of Texas, 1925, is hereby amended to read as follows:

"Article 5073, Action on Usurious Rate.

Within two (2) years after the time that a greater rate of interest than that fixed in the Texas Small Loan Act, Acts of the 57th Legislature, Third Called Session, 1962, or by some other Act of the Legislature, but, if no other rate is so fixed, then ten per centum (10%) per annum, shall have been received or collected upon any contract, the person paying the same or his legal representative may by an action of debt recover double the amount of such interest from the person, firm or corporation receiving the same. Such action shall

be instituted in any court of this State having jurisdiction thereof, in the county of the defendant's residence, or in the county where such usurious interest shall have been received or collected, or where said contract has been entered into, or where the parties who paid the usurious interest resided when such contract was made."

Sec. 33. Certain Statutes Inapplicable.

Chapter 144, Acts of the 48th Legislature, Regular Session, 1943, compiled as Article 4646b, Vernon's Annotated Civil Statutes, and Articles 5069, 5071 and 5073, Revised Civil Statutes of Texas, 1925, where inconsistent with this Act shall not apply to licensees under this Act.

Sec. 34. Statutes Repealed.

Chapter 472, Acts of the 52nd Legislature, Regular Session, 1951, compiled as Article 1524a-1, Vernon's Annotated Civil Statutes; and Chapter 17, Acts of the 40th Legislature, First Called Session, 1927, as last amended by Chapter 195, Acts of the 49th Legislature, Regular Session, 1945, compiled as Article 6165a, Vernon's Annotated Civil Statutes and Article 1129a, Vernon's Annotated Penal Code; and Subsections (5) and (6) of Article 19.01, Title 122A Taxation—General, Revised Civil Statutes of Texas, 1925, are hereby repealed. All other laws or parts of laws inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency, except as otherwise provided in this Act, and except that nothing herein contained in this Act shall affect those laws specified and exempted in Section 6 herein. Provided, further, that the amendment or repeal of any law of this State by this Act shall not affect any right accrued or established, or any liability or penalty incurred under the provisions of any of such other laws prior to the amendment or repeal thereof.

Sec. 35. Severability.

If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

Sec. 36. Emergency Clause.

The fact that the voters of Texas adopted by an overwhelming major-

ity, a Constitutional Amendment on November 8, 1960, directing the Legislature to classify loans and lenders, license lenders, define interest and regulate lenders to prevent the charging of exorbitant rates of interest and to prevent other abuses, creates an emergency and an imperative public necessity that the Legislature carry out this mandate of the people and creates a public necessity and emergency that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after August 31, 1962, and it is so enacted.

The report was read.

Senator Calhoun moved that the Conference Committee Report on H. B. No. 3 be not adopted and Senate Conferees discharged but recommitted and a new Conference Committee requested.

The motion prevailed by the following vote:

Yeas—16

Aikin	Moffett
Calhoun	Parkhouse
Creighton	Patman
Fuller	Ratliff
Hardeman	Rogers
Hazlewood	Secrest
Kazen	Smith
Lane	Willis

Nays—14

Baker	Martin
Colson	Moore
Crump	Owen
Dies	Reagan
Herring	Roberts
Hudson	Schwartz
Krueger	Spears

Absent—Excused

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Message from the House

Hall of the House of Representatives

Austin, Texas,
February 1, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 16, Establishing the

Border Conference Committee. (With amendment.)

The House has concurred in Senate amendments to H. C. R. No. 46 by non-record vote.

S. B. No. 45, A bill to be entitled "An Act authorizing Home-Rule cities having a population in excess of 60,000 and bordering on the Gulf of Mexico having beaches suitable for park purposes to establish a Beach Park Board of Trustees; requiring an election on the establishment of such Board; providing for the organization, and prescribing the powers and functions of such Board; containing a severability clause; and declaring an emergency."

(With amendment.)

S. B. No. 47, A bill to be entitled "An Act repealing Section 2 of Chapter XCIV, Acts of the 26th Legislature, 1899; and declaring an emergency."

S. B. No. 96, A bill to be entitled "An Act amending Chapter 16, Acts of the 51st Legislature, 1st Called Session, 1950, by adding a new section to be known as Section 1a changing the name and designation of County Court at Law of Lubbock County to County Court at Law No. 1 of Lubbock County; and declaring an emergency."

S. B. No. 48, A bill to be entitled "An Act amending Section 14 of Chapter 291, Acts of the 57th Legislature, Regular Session, 1961, which amended Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953, providing additional terms of court, and providing that the county commissioner may change the terms of court whenever it may be necessary; and declaring an emergency."

(With amendment.)

S. B. No. 91, A bill to be entitled "An Act amending Senate Bill No. 136, Acts of the 57th Legislature, State of Texas, Regular Session, 1961, to fix and make certain the amount of compensation to be paid from County funds to the District Judges of the 10th, 56th and 122 District Courts of Galveston County by the Commissioners Court of Galveston County in addition to the compensation paid by the State of Texas; prohibiting, however, the payment of any salary by Galveston County in excess

of the compensation provided by this Act; providing the time and method of payment; authorizing amendment of the budget; providing that if any portion of this Act is unconstitutional, it shall not affect the remainder thereof; and declaring an emergency."

S. C. R. No. 28, Suspending the Joint Rules to allow either house to consider Senate Bill No. 65 at any time.

S. B. No. 59, A bill to be entitled "An Act authorizing the Commissioners Court, in all counties having a population in excess of One Hundred Forty Thousand (140,000) but not in excess of Two Hundred Thousand (200,000) according to the last preceding or any future Federal Census, and having an assessed valuation in excess of Two Hundred Fifty Million Dollars (\$250,000,000) to allow each member of the Commissioners Court an adequate motor vehicle, providing for motor vehicle expense, providing for the expenditure of county funds, providing for an accounting, providing for non-repeal of certain statutes concerning motor vehicle transportation, and declaring an emergency."

(With amendment.)

H. C. R. No. 50, Authorizing the Engrossing and Enrolling Clerk of the House of Representatives to make certain corrections in House Concurrent Resolution No. 28.

The House has adopted the Conference Committee Report on House Bill No. 3 by a vote of 86 ayes, 56 noes.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Concurrent Resolution 50 on Second Reading

On motion of Senator Colson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 50, Authorizing certain corrections be made by the House Engrossing and Enrolling Clerk in H. C. R. No. 28.

The resolution was read and was adopted.

Bills and Resolutions Signed

The President Pro Tempore signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. C. R. No. 30, Authorizing the compilation of an accurate roster of Legislative Members from the First through the Fifty-seventh Legislature.

H. C. R. No. 40, Congratulating Dr. Konrad Adenauer, Chancellor of the Federal Republic of Germany, on his 86th birthday.

H. C. R. No. 41, Congratulating Bernard Downey Grover, son of Representative and Mrs. Henry Cushing Grover.

H. C. R. No. 45, Suspending the Joint Rules so as to permit either House to consider House Bill No. 103.

H. C. R. No. 46, Suspending the Joint Rules so as to permit the House to consider local bills.

H. C. R. No. 5, Directing the Texas Commission on State and Local Tax Policy to make a comprehensive study of proposed or prospective changes in the Texas Limited Sales, Excise and Use Tax and to render to the Governor and to the Fifty-eighth Legislature a written report on its findings, conclusions and recommendations.

H. C. R. No. 18, Enabling the State Parks Board and the State Historical Survey Committee to make a thorough investigation of the possibilities of preserving Fort McKavett as a historic site.

H. C. R. No. 35, Granting permission to Pierce Brothers, Inc., to sue the State of Texas.

H. C. R. No. 38, Congratulating Father Levada and his family.

H. B. No. 27, A bill to be entitled "An Act closing the season for hunting alligators in Orange County, Texas; providing a penalty for violation; repealing conflicting laws; and declaring an emergency."

H. B. No. 110, A bill to be entitled "An Act providing for an election to determine whether the office of the county superintendent shall be abolished in certain counties."

House Bill 95 Re-referred

On motion of Senator Hardeman and by unanimous consent H. B. No. 95 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
February 1, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 95, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

House Bill 95 Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent H. B. No. 95 was ordered not printed.

Senate Bill 45 with House Amendments

Senator Schwartz called S. B. No. 45 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Schwartz moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Bill 59 with House Amendments

Senator Schwartz called S. B. No. 59 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Schwartz moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Concurrent Resolution 16 with House Amendments

Senator Martin called S. C. R. No. 16 from the President's table for consideration of the House amendments to the resolution.

The President Pro Tempore laid the resolution and House amendments before the Senate, and the House amendments were read.

Senator Martin moved that the Senate concur in the House amendments.

The motion prevailed.

Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the motion to concur in House amendments to the above resolution.

Motion to Place House Concurrent Resolution 43 on Second Reading

Senator Hardeman asked unanimous consent to suspend the regular order of business and take up H. C. R. No. 43 for consideration at this time.

There was objection.

Senator Hardeman then moved to suspend the regular order of business and take up H. C. R. No. 43 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—17

Aikin	Parkhouse
Colson	Roberts
Creighton	Rogers
Crump	Schwartz
Hardeman	Secrest
Hazlewood	Smith
Martin	Spears
Moffett	Willis
Moore	

Nays—12

Baker	Krueger
Calhoun	Lane
Dies	Owen
Fuller	Patman
Herring	Ratliff
Kazen	Reagan

Absent

Hudson

Absent—Excused**Weinert****Recess**

On motion of Senator Dies the Senate at 8:18 o'clock p.m. took recess until 9:30 p.m. today.

After Recess

The President Pro Tempore called the Senate to order at 9:30 o'clock p.m. today.

Leave of Absence

Senator Roberts was granted leave of absence for today on account of illness on motion of Senator Hardeman.

**Conference Committee Report
on Senate Bill 3**

Senator Reagan submitted the following Conference Committee Report on S. B. No. 3:

Austin, Texas,
February 1, 1962.

Hon. Charles F. Herrin, President Pro Tempore of the Senate.

Hon. James A. Turman, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill No. 3, have met and had same under consideration, and beg to report back with the recommendation that it do pass in the form and text hereto attached.

REAGAN
BAKER
COLSON
KAZEN

On the part of the Senate.

RATCLIFF
HINSON
HUEBNER
MUTSCHER
WHITFIELD

On the part of the House.

S. B. No. 3:

**A BILL
TO BE ENTITLED**

An Act broadening the purposes for which monies appropriated in the biennial Appropriations Bill to the Game and Fish Commission may

now be expended; making an appropriation from the Mineral Lease Fund (272) to the Department of Corrections of any monies over and above monies appropriated in Senate Bill No. 1, Acts 57th Legislature, First Called Session, 1961, for certain emergency purposes; broadening the purposes for which monies appropriated to the Board of Medical Examiners by Senate Bill No. 1, Acts 57th Legislature, First Called Session, 1961 may be expended; authorizing the expenditure from the Reserve Appropriation heretofore made to the Board for Texas State Hospitals and Special Schools by Senate Bill No. 1, Acts 57th Legislature, First Called Session, 1961 for the purpose of preliminary planning, acquisition or preparation of site for a state school for mentally retarded persons in the Gulf Coast area; broadening the purposes of certain monies already appropriated to the Senate by Item 2 of Article VI of Senate Bill No. 1, Acts 57th Legislature, First Called Session, 1961, so that said monies may now be used to pay Senate expenses of the Third Called Session of the 57th Legislature; authorization to expend monies already appropriated to the State Building Commission in Item 10, Article III, Senate Bill No. 1, Acts 57th Legislature, First Called Session, 1961, and further authorizing the expenditure of other monies appropriated in Item 10 of Senate Bill No. 1, Acts 57th Legislature, First Called Session, 1961, for the purpose of repairing San Jacinto Tower and Museum Building and related facilities at the San Jacinto Monument site; authorizing the erection and building of a parking facility and/or fallout shelter; providing for all necessary financing therefor by broadening the purposes for which certain monies may be expended, making other necessary and needed appropriations for the above purposes; providing that the state may receive donations from the Federal Government for this purpose; providing for any and all necessary inter-agency agreements; providing for the disposition of all operating receipts; providing for landscaping and construction of walks and gates between the Capitol Building, State Insurance Building, with removal of certain fences and the building of all other needed

roadways, passageways on these premises; providing for the removal of certain state-owned buildings to effectuate the purpose of the Capitol Expansion Plan and providing for the purchase, equipment and installation of heat and air conditioning plant in the Executive Mansion; authorizing replacement of capstones at the entrance grounds; and appropriating \$275,000.00 from the General Revenue Fund to the State Highway Department for tourist advertising; appropriating \$180,000.00 out of the General Revenue Fund to Prairie View A. & M. College for the purpose of repairing or replacing buildings damaged or destroyed by fire in January, 1962, and further providing for all necessary equipment, supplies, etc., in connection therewith; appropriating \$58,300.00 out of the General Revenue Fund to Texas Youth Council for additional parole officers, travel, rent, supplementary salary, and other expenses; appropriating \$6,000.00 out of the General Revenue Fund to Southwest Texas State College for repair of buildings, replacement of supplies and equipment damaged by fire and hurricane Carla; appropriating the unappropriated balance in the Prepaid Funeral Contract Fund 376 to the State Banking Department to be used in carrying out the provisions of Senate Bill No. 52, Chapter 512, Acts 54th Legislature (Article 548b V. C. S.), and providing further that all filing fees and examination costs collected under the provisions of Chapter 512, Acts 54th Legislature shall be received and disbursed by the Banking Department according to the provisions of Chapter 139, Acts 52nd Legislature; authorizing the expenditure of funds appropriated by Senate Bill No. 1, Acts 57th Legislature, 1961, First Called Session of incentive pay increases to employees in classified positions in designated courts, departments and agencies of the state; providing for the reclassification to higher salaried groups of certain classified positions in the Board of Water Engineers (or its successor agency, the Texas Water Commission); authorizing certain additional classified positions in the office of the Comptroller of Public Accounts; authorizing the addition of certain classified positions in the State Department of Health; au-

thorizing the position of Investment Officer and an additional classified position of Assistant Investment Officer in the Central Education Agency; providing for a severability clause; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Monies heretofore appropriated out of the Special Game and Fish Fund to the Game and Fish Commission for the biennium beginning September 1, 1961, in Article III, Item 12-b of Senate Bill No. 1, Acts, 1961, 57th Legislature, First Called Session, may also be expended for the purposes and in the amounts set out below:

Item 1. For the construction of a building at Seabrook to house marine and chemical laboratories	\$ 70,000
2. For repairs and replacement of patrol boats	10,000
3. For the replacement of office, laboratory, and miscellaneous equipment and supplies, lost or damaged by Hurricane Carla	11,000
4. For the replacement of buoys and markers in bays	2,000
5. For re-surveying Pass Cavallo and Cedar Bayou Pass to replace markers as required by law	2,000
6. For the payment of rental of regional office space and field office space during the fiscal year ending August 31, 1962	4,166
7. For the payment of rental of regional office space and field office space during the fiscal year ending August 31, 1963	5,372
Total	\$104,538

Sec. 2. For emergency purposes only, there is also hereby appropriated from the Mineral Lease Fund (No. 272) to the Department of Corrections any monies over and above the amounts appropriated by Senate Bill No. 1, Acts, 1961, 57th Legislature, First Called Session, which ad-

ditional monies may be expended only upon the prior, written approval of the Governor; provided however, that this appropriation of such additional monies shall cease to be effective as of September 1, 1963. Emergency purposes as used in this Section shall mean and include only unforeseeable conditions as disasters from weather conditions, fire or other uncontrollable circumstances; abnormal increases in inmate population exceeding twelve thousand six hundred (12,600) during the 1962 fiscal year and thirteen thousand three hundred fifty (13,350) inmates during the 1963 fiscal year.

Sec. 3. Notwithstanding other provisions of law, any of the monies appropriated to the Board of Medical Examiners by Senate Bill No. 1, Acts, 1961, 57th Legislature, First Called Session, Item No. 5, for each of the fiscal years of the biennium beginning September 1, 1961, may also be expended for the payment of witness fees and other court costs as required by law.

Sec. 4. Out of the Reserve Appropriation heretofore made to the Board for Texas State Hospitals and Special Schools by Article II of Senate Bill No. 1, Acts, 1961, 57th Legislature, First Called Session, said Board is hereby authorized to expend such amounts as it deems necessary for preliminary surveys, acquisition or preparation of a site, and other preliminary expenses for the establishment of a state school for mentally retarded persons in the Gulf Coast area as authorized by Chapter 288, Acts, 1961, 57th Legislature, Regular Session.

Sec. 5. Monies appropriated for the expenses of the Senate by Item 2, Article VI of Senate Bill No. 1, Acts, 1961, 57th Legislature, First Called Session, may also be expended for per diem, other salaries and wages, consumable supplies and materials, current and recurring operating expenses, capital outlay, and other necessary expenses incurred by the Senate of Texas during the Third Called Session of the 57th Legislature.

Sec. 6. Upon the effective date of this Act and out of the appropriation heretofore made to the State Building Commission out of the State Building Fund in Item 10 of Article III, Senate Bill No. 1, Acts, 1961, 57th Legislature, First Called Session, the amount of One Hundred and Six Thousand Dollars (\$106,000) is hereby authorized to be expended

for the additional purpose of repairing the San Jacinto Tower and Museum building.

Out of said appropriation in Item 10 of said Senate Bill No. 1, the State Building Commission is hereby authorized to make the additional expenditure of Fifty Thousand Five Hundred Dollars (\$50,500) for repairing, renovating, and restoring exterior terraces, doors to museum building, and providing or repairing drainage and plumbing systems at the San Jacinto Monument site.

It is further provided, that the expenditures authorized by this Section shall be contingent upon the Comptroller of Public Accounts certifying the said Building Commission that the provisions of Section Six of the Memorandum of Agreement dated August 31, 1955, and renewed biennially between the San Jacinto Museum Association of History and the State of Texas acting by and through the Board of Control, has been complied with and an inventory of the property belonging to the state purchased under the provisions of the second paragraph of Section Eight of said Agreement has been made and approved by the State Auditor and filed with the Board of Control.

Sec. 7. a. Out of any funds heretofore appropriated to the State Building Commission for acquisition of land in the Capitol Area, Item 10 of the appropriation to said Building Commission in Senate Bill No. 1, Acts, 1961, 57th Legislature, First Called Session, or from any additional and unappropriated funds which accrue to said Building Commission within two years after the effective date of this Act, such Commission is authorized to pay its share of the cost of planning, designing, constructing and equipping a parking garage on Block 171 of the City of Austin in cooperation with the Texas Employment Commission. Said parking garage or facility shall be so constructed that it will serve as the foundation for any future building that may be constructed on such lot; provided, however, that the top level of such garage or facility shall not exceed the maximum elevation of said block.

The Texas Employment Commission is hereby authorized to cooperate with the State Building Commission to accomplish this purpose and to expend as its portion of the cost of said

parking garage or facility all such funds as may be available to the Texas Employment Commission for such purpose, and such funds are hereby appropriated therefor. The State Building Commission's "share" of the cost as used in the first paragraph of this subsection shall mean the balance of the total cost of said parking garage or facility; provided, however, that the State Building Commission's "share" of the cost shall not exceed \$500,000 if the facility is constructed for parking purposes alone, and shall not exceed \$750,000 if the facility is constructed in a manner to serve also as an emergency control center and shelter for the operation of the State Government in time of fallout danger or other emergency.

All funds accruing to the State Building Commission within two years after the effective date of this Act, not to exceed \$1,300,000, and not heretofore appropriated, are hereby appropriated for the purposes set out in Item 10 of said Senate Bill No. 1, Acts, 1961, 57th Legislature, and for the additional purposes set out in this Section.

The State Building Commission, the Texas Employment Commission, and the State Board of Control are authorized to make such inter-agency agreements as may be necessary for the accomplishment of the purposes of this subsection, including the operation of the parking facility and any emergency control center that may be incorporated, the allocation of space, operation charges, upkeep and repair of the structure. From any revenues received from such parking garage or facility, there is hereby appropriated to the State Building Commission or to the operational agency designated in the inter-agency agreement such sum as may be necessary to pay costs of operation and maintenance, and the remainder of such revenue shall be deposited in the State Treasury to the account of the State Building Commission. If the emergency control center is incorporated in the parking garage or facility and Federal matching funds are provided therefor, the State Building Commission is authorized to accept such funds and they are hereby appropriated for such purposes.

b. In addition to the purposes set out in Item 10 of the appropriation made to the State Building Commis-

sion in Senate Bill No. 1, Acts of the 57th Legislature, First Called Session, 1961, and from such appropriation and the additional appropriation made in Section 1 above, the State Building Commission is authorized to expend such sums as may be necessary to:

(1) Landscape and construct walks and gates between the Capitol Building and the State Insurance Building, with removal of the present iron fence only at the places necessary for such walks and gates, and to build such drives and passageways as may be necessary in front of the State Insurance Building east of and outside of the present iron fence located on the Capitol grounds.

(2) Move to suitable state-owned locations any buildings usable to house state agencies when such buildings have been acquired in connection with the Capitol expansion plan, and to acquire additional land if necessary for such purposes.

(3) Purchase such equipment and machinery as may be necessary to replace the obsolete heating and air-conditioning plant in the Executive Mansion, and to furnish such equipment to the State Board of Control for installation.

c. Out of previously appropriated funds the State Board of Control is hereby authorized to replace the granite capstones at the entrances to the Capitol grounds.

Sec. 8. For the fiscal year beginning September 1, 1962, there is hereby appropriated to the State Highway Department the sum of Two Hundred Seventy-five Thousand Dollars (\$275,000) from the General Revenue Fund which may be expended by the Highway Department for the purposes stipulated by Section 3 of Chapter 193, Acts, 1959, 56th Legislature (codified in Vernon's Civil Statutes as Article 6144e). It is further provided, that private contributions received under the matching provisions stipulated by Section 2-c of said Chapter 193 are also hereby appropriated for the purposes of said Chapter.

Sec. 9. There is hereby appropriated out of the General Revenue Fund to Prairie View A. & M. College One Hundred Eighty Thousand Dollars (\$180,000) for the purposes of repairing or replacing supplies, equipment, and buildings damaged or destroyed by fire on January 9, 1962, provided, however, that none of such

appropriation shall be expended for any other purpose. It is further provided, moreover, that pending a future provision by the Legislature of Texas for a reserve fund or other means for self-assuring by the state against losses by fire and other catastrophes, the appropriation from the General Revenue Fund made by this Section shall not constitute or be construed as a precedent for making up any future losses of college buildings and equipment originally constructed or purchased from Constitutional building funds.

Sec. 10. For the fiscal year beginning September 1, 1962, there is hereby appropriated to the Texas Youth Council out of the General Revenue Fund an amount necessary to supplement the salary contained in Senate Bill No. 1, Acts of the 57th Legislature, First Called Session, 1961, of the Director of Parole Supervision by the additional sum of One Thousand Two Hundred Dollars (\$1,200) annually, and to provide the following additional itemized appropriations:

Parole Officers, 10 NTE	
\$5,400	\$40,500
Travel (restricted to these	
Parole Officers)	12,225
Rent	1,200
Postage, telephone, stationery,	
printing and office	
supplies	3,175
Total	\$57,100

Sec. 11. The sum of Six Thousand Dollars (\$6,000) is hereby appropriated out of the General Revenue Fund to Southwest Texas State College for replacement of supplies, materials and equipment, and for repair of buildings damaged by fire and Hurricane Carla.

Sec. 12. The balance in the Prepaid Funeral Contract Funds (No. 76) as of the effective date of this Act is hereby appropriated to the Department of Banking to be used in carrying out the provisions of Senate Bill No. 52, Chapter 512, Acts of the 54th Legislature (Article 548b, Vernon's Texas Civil Statutes), and hereafter all filing fees and examination costs collected under the provisions of Chapter 512, Acts of the 54th Legislature, shall be received and disbursed by the Department of Banking according to the provisions of Chapter 139, Acts of the 52nd Legislature.

Sec. 13. Any monies appropriated

by Senate Bill No. 1, Acts of the 57th Legislature, 1st Called Session, 1961, for the purpose of paying salaries of classified positions in all agencies in Articles I, III and the Central Education Agency, Deaf and Blind Schools of Article IV, may be used by the heads of the respective departments to grant incentive pay increases to classified personnel.

Incentive increases authorized herein may be granted only during the period from March 1, 1962, to March 1, 1963; provided that the amount of incentive increase granted under this provision to any employee during the period from March 1, 1962, to March 1, 1963, shall not exceed one full step increment for the salary range prescribed for the respective class of work, as set out in Article III of Senate Bill No. 1, Acts of the 57th Legislature, 1st Called Session, 1961, and that no such increase may result in a salary rate above the maximum of their prescribed salary range.

This Section shall not in any way be construed as increasing the appropriation of any department or agency, it being the intent of the Legislature that incentive increases be paid only out of available monies in existing appropriations for salaries of classified personnel resulting from resignations of employees or other causes, to the end that more efficient performance will be assured the state.

Sec. 14. a. The salary group allocations for the following classified positions listed in Section 13, Article III of Senate Bill No. 1, First Called Session of the 57th Legislature, from and after the effective date of this Act shall be as follows:

Class No.	Title and Salary Gp. No.
1548	Chief of Office Service 19
2016	Engineering Aide 9
2091	Geologic Aide 9
2387	Engineer or Hydrologist I 16
2388	Engineer or Hydrologist II 17
2389	Engineer or Hydrologist III 18
2390	Engineer or Hydrologist IV 19
2391	Engineer or Hydrologist V 20
2407	Geologist Assistant II 15
2423	Geologist I BWE 16
2424	Geologist II BWE 17
2425	Geologist III BWE 18
2426	Geologist IV BWE 19
2427	Geologist V BWE 20
3647	Chief Examiner 19

Funds heretofore appropriated for

the years ending August 31, 1962, and August 31, 1963, respectively, to the Board of Water Engineers for salaries of classified positions shall be available for the payment of salaries of the positions as reclassified and listed above.

b. The position of Assistant Chief Engineer listed as a classified position and bearing the Class Number 2393 is Section 13, Article III of Senate Bill No. 1, First Called Session of the 57th Legislature shall from and after the effective date of this Act be an unclassified position and from the monies heretofore appropriated for the years ending August 31, 1962, and August 31, 1963, respectively, to the Board of Water Engineers for salaries of classified positions there is hereby made available such funds as shall be necessary to pay the salary of the position of Assistant Chief Engineer at the rate of Eleven Thousand Five Hundred Dollars (\$11,500) per annum.

c. The Board of Water Engineers is authorized to employ one secretary to fill the classified position of Administrative Secretary, Class Number 0138, in lieu of one of the Secretary III, Class Number 0135, positions authorized in the appropriation to the Board of Water Engineers contained in Article III of Senate Bill No. 1, First Called Session of the 57th Legislature. Such funds as shall be necessary to pay the salary of the person employed to fill the position of Administrative Secretary herein authorized are hereby made available from monies heretofore appropriated for the years ending August 31, 1962 and August 31, 1963, respectively, to the Board of Water Engineers for salaries of classified positions.

Sec. 15. Out of funds appropriated for salaries and classified positions to the Comptroller of Public Accounts in Senate Bill No. 1, Acts of the 57th Legislature, First Called Session, 1961, the Comptroller is authorized to employ the following personnel to conduct hearings required to carry out the purposes of House Bill No. 20, Acts of the 57th Legislature, Second Called Session, 1961, such employees to be classified according to the following titles and salary groups within the schedule of salary ranges provided in said Senate Bill No. 1:

Title	Salary Group
Director, Hearings Division	19
Hearings Examiner III	17

Hearings Examiner II	15
Hearings Examiner I	12

Sec. 16. Out of funds appropriated for salaries and wages to the Department of Health in Senate Bill No. 1, Acts of the 57th Legislature, First Called Session, 1961, the Department of Health is authorized to employ the following personnel to carry out the purposes of Senate Bill No. 68, Acts of the 57th Legislature, Regular Session, 1961, such employees to be classified according to the following titles and salary groups within the schedule of salary ranges provided in said Senate Bill No. 1:

Title	Salary Group
Radiological Health Specialist II	17
Radiological Health Specialist I	15

Sec. 17. Out of funds appropriated for salaries and wages to the Central Education Agency in Senate Bill No. 1, Acts of the 57th Legislature, First Called Session, 1961, the Central Education Agency is authorized to employ an Investment Officer at an annual salary rate of Eleven Thousand Dollars (\$11,000), and an Assistant Investment Officer, which latter position shall be classified and placed in Salary Group 21 within the schedule of salary ranges provided in said Senate Bill No. 1.

Sec. 18. If any Section, sentence, clause or part of this Act shall for any reason be held to be invalid, such decision shall not affect the remaining portions of this Act, and it is hereby declared to be the intention of the Legislature to have passed each sentence, Section, clause or part thereof, irrespective of the fact that any other sentence, Section, clause or part thereof may be declared invalid.

Sec. 19. The importance of this legislation and the crowded condition of the calendar in each House create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read.

Question—Shall the Conference Committee Report on S. B. No. 3 be adopted?

Bills and Resolutions Signed

The Presiding Pro Tempore signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S. B. No. 37, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, to be known as Brazoria County Water Control and improvement District—Lake Alaska; etc., and declaring an emergency."

S. B. No. 44, A bill to be entitled "An Act amending Section 186a of the Election Code of the State of Texas, as added by Section 1 of Chapter 494, Acts of the 55th Legislature, Regular Session, 1957 (codified as Article 13.08a, Vernon's Texas Election Code), relating to the filing fees of candidates for office in counties having a population of one million (1,000,000) or more, according to the last preceding Federal census; and declaring an emergency."

S. B. No. 45, A bill to be entitled "An Act authorizing Home-Rule cities having a population in excess of 60,000 and bordering on the Gulf of Mexico having beaches suitable for park purposes to establish a Beach Park Board of Trustees; requiring an election on the establishment of such Board; providing for the organization, and prescribing the powers and functions, of such Board; containing a severability clause; and declaring an emergency."

S. B. No. 47, A bill to be entitled "An Act repealing Section 2 of Chapter XCIV, Acts of the 26th Legislature, 1899; and declaring an emergency."

S. B. No. 57, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, to be known as Brazoria County Water Control and Improvement District—Brushy Meadows; etc.; and declaring an emergency."

S. B. No. 59, A bill to be entitled "An Act authorizing the Commissioners Court, in all counties having a population in excess of One Hundred Forty Thousand (140,000) but not in excess of Two Hundred Thousand (200,000) according to the last preced-

ing or any future Federal Census, and having an assessed valuation in excess of Two Hundred Fifty Million Dollars (\$250,000,000) to allow each member of the Commissioners Court an adequate motor vehicle, providing for motor vehicle expense, providing for the expenditure of county funds, providing for an accounting, providing for non repeal of certain statutes concerning motor vehicle transportation, and declaring an emergency."

S. B. No. 66, A bill to be entitled "An Act amending Article 1903, Revised Civil Statutes of Texas, 1925, so as to provide procedure for determining whether or not there shall be nominees for election to the office of joint clerk for the county and district court or nominees for the separate offices of district clerk and county clerk in all counties having a population of less than eight thousand (8,000) according to the last preceding Federal census; and declaring an emergency."

S. B. No. 69, A bill to be entitled "An Act amending Article 4623, R.C.S. of Texas, 1925, as amended by Chapter 407, S. B. No. 24, Acts 55th Legislature of Texas, R. S., 1957, by adding thereto a provision that a wife shall never be the joint maker of a note or a surety on any bond or obligation of another without the joinder of her husband with her in making such contract; and declaring an emergency."

S. B. No. 80, A bill to be entitled "An Act to amend H. B. No. 261, Acts, 57th Leg., R. S., 1961, Ch. 274, relating to the filing of rules and regulations of state administrative agencies, declaring all rules, regulations and orders in effect on or issued by State agencies after August 31, 1961, and prior to the effective date hereof to be valid although certified copies thereof were not filed with the Secretary of State; providing for severability; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

S. B. No. 84, A bill to be entitled "An Act amending Article 182A, Acts 1951, 52nd Leg., Page 1097, Chapter 492, as amended by Acts 1954, 53rd Leg., First Called Session, Page 85, Chapter 36, Section 1, codified as Article 13.04A Vernon's Texas Election Code, by changing the provision relating to counties having a population

in excess of eight hundred thousand (800,000) inhabitants to apply to counties having a population in excess of six hundred thousand (600,000) inhabitants; and declaring an emergency."

S. B. No. 91, A bill to be entitled "An Act amending Senate Bill No. 136, Acts of the 57th Legislature, State of Texas, Regular Session, 1961, to fix and make certain the amount of compensation to be paid from County funds to the District Judges of the 10th, 56th and 122nd District Courts of Galveston County by the Commissioners Court of Galveston County in addition to the compensation paid; etc., and declaring an emergency."

S. B. No. 96, A bill to be entitled "An Act amending Chapter 16, Acts of the 51st Legislature, 1st Called Session, 1950, by adding a new section to be known as Section 1a changing the name and designation of County Court at Law of Lubbock County to County Court at Law No. 1 of Lubbock County; and declaring an emergency."

S. C. R. No. 27, Suspending Joint Rules to consider H. B. No. 10 at any time.

S. C. R. No. 28, Suspending Joint Rules to consider S B. No. 65 at any time.

S. C. R. No. 16, Establishing Border Conference Committee to make certain studies.

Conference Committee on House Bill 3

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate on House Bill No. 3:

Senators Calhoun, Creighton, Hudson, Kazen and Spears.

At Ease

The President Pro Tempore announced at 10:36 o'clock p.m. that the Senate would stand At Ease for five minutes.

In Legislative Session

The President Pro Tempore called the Senate to order as In Legislative Session at 10:43 o'clock p.m.

Message from the House

Hall of the House of Representatives
Austin, Texas,
February 1, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to adopt Conference Committee Report on S. B. No. 3 by vote of 132 ayes and 15 noes.

House has appointed the following Conference Committee:

Ratcliff, Chairman; Hinson, Huebner, Mutscher, and Whitfield.

S. B. No. 101, A bill to be entitled "An Act creating a Court of Domestic Relations for Galveston County, Texas; fixing the jurisdiction; conforming the jurisdiction of other courts thereto; fixing its term; providing the manner of selection, tenure and compensation of the Judge and other officers of said Court; providing the manner of and grounds for removal of the Judge of said Court; providing for the membership of the Juvenile Board of Galveston County; providing for appeals to higher courts; providing the procedure of said Court; providing for the services of certain county and district officers to said Court; containing a saving clause; and declaring an emergency."

(With amendment.)

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

New Conference Committee on Senate Bill 3

The President Pro Tempore announced the appointment of the following as a new Conference Committee on S. B. No. 3 on the part of the Senate:

Senators Reagan, Aikin, Colson, Kazen and Baker.

Senate Bill 101 with House Amendments

Senator Schwartz called S. B. No. 101 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments be-

fore the Senate, and the House amendments were read.

Senator Schwartz moved that the Senate concur in the House amendments.

The motion prevailed.

**Senate Bill 48 with
House Amendments**

Senator Schwartz called S. B. No. 48 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Schwartz moved that the Senate concur in the House amendments.

The motion prevailed.

**Conference Committee Report
on Senate Bill 3**

Senator Reagan submitted the following Conference Committee Report on S. B. No. 3:

Austin, Texas,
February 1, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate:

Hon. James A. Turman, Speaker of
the House of Representatives:

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill No. 3, have met and had same under consideration, and beg to report back with the recommendation that it do pass in the form attached.

REAGAN
BAKER
COLSON
KAZEN

On the part of the Senate.

RATCLIFF
HINSON
HUEBNER
MUTSCHER
WHITFIELD

On the part of the House.

S. B. No. 3:

**A BILL
TO BE ENTITLED**

An Act broadening the purposes for which moneys appropriated in the biennial Appropriations Bill to the

Game and Fish Commission may now be expended; making an appropriation from the Mineral Lease Fund (272) to the Department of Corrections of any monies over and above monies appropriated in S. B. No. 1, Acts 57th Legislature, First Called Session, 1961, for certain emergency purposes; broadening the purposes for which monies appropriated to the Board of Medical Examiners by S. B. No. 1, Acts 57th Legislature, First Called Session, 1961, may be expended; authorizing the expenditure from the Reserve Appropriation heretofore made to the Board for Texas State Hospitals and Special Schools by S. B. No. 1, Acts 57th Legislature, First Called Session, 1961, for the purpose of preliminary planning, acquisition or preparation of site for a state school for mentally retarded persons in the Gulf Coast area; broadening the purpose of certain monies already appropriated to the Senate by Item 2 of Article VI of S. B. No. 1, Acts 57th Legislature, First Called Session, 1961, so that said monies may now be used to pay Senate expenses of the Third Called Session of the 57th Legislature; authorization to expend monies already appropriated to the State Building Commission in Item 10, Article III, Senate Bill No. 1, Acts 57th Legislature, First Called Session, 1961, and further authorizing the expenditure of other monies appropriated in Item 10 of S. B. No. 1, Acts 57th Legislature, First Called Session, 1961, for the purpose of repairing San Jacinto Tower Museum Building and related facilities at the San Jacinto Monument site; appropriating \$275,000.00 from the General Revenue to the State Highway Department for tourist advertising; appropriating \$180,000.00 out of the General Revenue Fund to Prairie View A. and M. College for the purpose of repairing or replacing buildings damaged or destroyed by fire in January, 1962, and further providing for all necessary equipment, supplies, etc., in connection therewith; appropriating \$58,300.00 out of the General Revenue Fund to Texas Youth Council for additional parole officers, travel, rent, supplementary salary and other expenses; appropriating \$6,000.00 out of the General Revenue Fund to Southwest Texas State College for

repair of buildings, replacement of supplies and equipment damaged by fire and hurricane Carla; appropriating the unappropriated balance in the Prepaid Funeral Contract Fund 376 to the State Banking Department to be used in carrying out the provisions of S. B. 52, Ch. 512, Acts 54th Legislature (Art. 548b V.C.S.), and providing further that all filing fees and examination costs collected under the provisions of Chapter 512, Acts 54th Legislature, shall be received and disbursed by the Banking Department according to the provisions of Chapter 139, Acts 52nd Legislature; authorizing the expenditure of funds appropriated by S. B. No. 1, Acts 57th Legislature, 1961, First Called Session, of incentive pay increases to employees in classified positions in designated courts, departments and agencies of the State; providing for the reclassification to higher salaried groups of certain classified positions in the Board of Water Engineers (or its successor agency, the Texas Water Commission); authorizing certain additional classified positions in the office of the Comptroller of Public Accounts; authorizing the addition of certain classified positions in the State Department of Health; authorizing the position of Investment Officer and an additional classified position of Assistant Investment Officer in the Central Education Agency; providing for a severability clause; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Monies heretofore appropriated out of the Special Game and Fish Fund to the Game and Fish Commission for the biennium beginning September 1, 1961, in Article III, Item 12-b of Senate Bill No. 1, Acts 1961, 57th Legislature, First Called Session, may also be expended for the purposes and in the amounts set out below:

- | | |
|--|-----------|
| Item 1. For the construction of a building at Seabrook to house marine and chemical laboratories | \$ 70,000 |
| 2. For repairs and replacement of patrol boats | 10,000 |
| 3. For the replacement | |

- | | |
|--|--------|
| of office, laboratory, and miscellaneous equipment and supplies, lost or damaged by Hurricane Carla | 11,000 |
| 4. For the replacement of buoys and markers in bays | 2,000 |
| 5. For re-surveying Pass Cavallo and Cedar Bayou Pass to replace markers as required by law | 2,000 |
| 6. For the payment of rental of regional office space and field office space during the fiscal year ending August 31, 1962 | 4,166 |
| 7. For the payment of rental of regional office space and field office space during the fiscal year ending August 31, 1963 | 5,372 |

Total \$104,538

Sec. 2. For emergency purposes only, there is also hereby appropriated from the Mineral Lease Fund (No. 272) to the Department of Corrections any monies over and above the amounts appropriated by Senate Bill No. 1, Acts, 1961, 57th Legislature, First Called Session, which additional monies may be expended only upon the prior, written approval of the Governor; provided however, that this appropriation of such additional monies shall cease to be effective as of September 1, 1963. Emergency purposes as used in this Section shall mean and include only unforeseeable conditions as disasters from weather conditions, fire or other uncontrollable circumstances; abnormal increases in inmate population exceeding twelve thousand six hundred (12,600) during the 1962 fiscal year and thirteen thousand three hundred fifty (13,350) inmates during the 1963 fiscal year.

Sec. 3. Notwithstanding other provisions of law, any of the monies appropriated to the Board of Medical examiners by Senate Bill No. 1, Acts, 1961, 57th Legislature, First Called Session, Item No. 5, for each of the fiscal years of the biennium beginning September 1, 1961, may also be expended for the payment of witness fees and other court costs as required by law.

Sec. 4. Out of the Reserve Appropriation heretofore made to the Board for Texas State Hospitals and Spe-

cial Schools by Article II of Senate Bill No. 1, Acts, 1961, 57th Legislature, First Called Session, said Board is hereby authorized to expend such amounts as it deems necessary for preliminary surveys, acquisition or preparation of a site, and other preliminary expenses for the establishment of a state school for mentally retarded persons in the Gulf Coast area as authorized by Chapter 288, Acts, 1961, 57th Legislature, Regular Session.

Sec. 5. Monies appropriated for the expenses of the Senate by Item 2, Article VI of Senate Bill No. 1, Acts, 1961, 57th Legislature, First Called Session, may also be expended for per diem, other salaries and wages, consumable supplies and materials, current and recurring operating expenses, capital outlay, and other necessary expenses incurred by the Senate of Texas during the Third Called Session of the 57th Legislature.

Sec. 6. Upon the effective date of this Act and out of the appropriation heretofore made to the State Building Commission out of the State Building Fund in Item 10 of Article III, Senate Bill No. 1, Acts, 1961, 57th Legislature, First Called Session, the amount of One Hundred and Six Thousand Dollars (\$106,000) is hereby authorized to be expended for the additional purpose of repairing the San Jacinto tower and museum building.

Out of said appropriation in Item 10 of said Senate Bill No. 1, the State Building Commission is hereby authorized to make the additional expenditure of Fifty Thousand Five Hundred Dollars (\$50,500) for repairing, renovating, and restoring exterior terraces, doors to museum building, and providing or repairing drainage and plumbing systems at the San Jacinto Monument site.

It is further provided, that the expenditures authorized by this Section shall be contingent upon the Comptroller of Public Accounts certifying the said Building Commission that the provisions of Section Six of the Memorandum of Agreement dated August 31, 1955, and renewed biennially between the San Jacinto Museum Association of History and the State of Texas acting by and through the Board of Control, has been complied with and an inventory of the property belonging to the state purchased under the provisions of the second paragraph of Section Eight of

said Agreement has been made and approved by the State Auditor and filed with the Board of Control.

Sec. 8. For the fiscal year beginning September 1, 1962, there is hereby appropriated to the State Highway Department the sum of Two Hundred Seventy-five Thousand Dollars (\$275,000) from the General Revenue Fund which may be expended by the Highway Department for the purposes stipulated by Section 3 of Chapter 193, Acts, 1959, 56th Legislature (codified in Vernon's Civil Statutes as Article 6144e). It is further provided, that private contributions received under the matching provisions stipulated by Section 2-c of said Chapter 193 are also hereby appropriated for the purposes of said Chapter.

Sec. 9. There is hereby appropriated out of the General Revenue Fund to Prairie View A. and M. College One Hundred Eighty Thousand Dollars (\$180,000) for the purposes of repairing or replacing supplies, equipment, and buildings damaged or destroyed by fire on January 9, 1962, provided, however, that none of such appropriation shall be expended for any other purpose. It is further provided, moreover, that pending a future provision by the Legislature of Texas for a reserve fund or other means for self-assuring by the state against losses by fire and other catastrophes, the appropriation from the General Revenue Fund made by this Section shall not constitute or be construed as a precedent for making up any future losses of college buildings and equipment originally constructed or purchased from Constitutional building funds.

Sec. 10. For the fiscal year beginning September 1, 1962, there is hereby appropriated to the Texas Youth Council out of the General Revenue Fund an amount necessary to supplement the salary contained in Senate Bill No. 1, Acts of the 57th Legislature, First Called Session, 1961, of the Director of Parole Supervision by the additional sum of One Thousand Two Hundred Dollars (\$1,200) annually, and to provide the following additional itemized appropriations:

Parole Officers, 10 NTE	
\$5,400	\$40,500
Travel (restricted to these	
Parole Officers)	12,225
Rent	1,200

Postage, telephone, stationery,
printing and office
supplies 3,175

Total \$57,100

Sec. 11. The sum of Six Thousand Dollars (\$6,000) is hereby appropriated out of the General Revenue Fund to Southwest Texas State College for replacement of supplies, materials and equipment, and for repair of buildings damaged by fire and Hurricane Carla.

Sec. 12. The balance in the Prepaid Funeral Contract Fund (No. 76) as of the effective date of this Act is hereby appropriated to the Department of Banking to be used in carrying out the provisions of Senate Bill No. 52, Chapter 512, Acts of the 54th Legislature (Article 548b, Vernon's Texas Civil Statutes), and hereafter all filing fees and examination costs collected under the provisions of Chapter 512, Acts of the 54th Legislature, shall be received and disbursed by the Department of Banking according to the provisions of Chapter 139, Acts of the 52nd Legislature.

Sec. 13. Any monies appropriated by Senate Bill No. 1, Acts of the 57th Legislature, 1st Called Session, 1961, for the purpose of paying salaries of classified positions in all agencies in Articles I, III and the Central Education Agency, Deaf and Blind Schools of Article IV, may be used by the heads of the respective departments to grant incentive pay increases to classified personnel.

Incentive increases authorized herein may be granted only during the period from March 1, 1962, to March 1, 1963; provided that the amount of incentive increase granted under this provision to any employee during the period from March 1, 1962, to March 1, 1963, shall not exceed one full step increment for the salary range prescribed for the respective class of work, as set out in Article III of Senate Bill No. 1, Acts of the 57th Legislature, 1st Called Session, 1961, and that no such increase may result in a salary rate above the maximum of their prescribed salary range.

This Section shall not in any way be construed as increasing the appropriation of any department or agency, it being the intent of the Legislature that incentive increases be paid only out of available monies in existing appropriations for salaries of classified personnel resulting from resigna-

tions of employees or other causes, to the end that more efficient performance will be assured the state.

Sec. 14. a. The salary group allocations for the following classified positions listed in Section 13, Article III of Senate Bill No. 1, First Called Session of the 57th Legislature, from and after the effective date of this Act shall be as follows:

Class No.	Title and Salary Gp. No.	
1548	Chief of Office Service	19
2016	Engineering Aide	9
2091	Geologic Aide	9
2387	Engineer or Hydrologist I	16
2388	Engineer or Hydrologist II	17
2389	Engineer or Hydrologist III	18
2390	Engineer or Hydrologist IV	19
2391	Engineer or Hydrologist V	20
2407	Geologist Assistant II	15
2423	Geologist I BWE	16
2424	Geologist II BWE	17
2425	Geologist III BWE	18
2426	Geologist IV BWE	19
2427	Geologist V BWE	20
3647	Chief Examiner	19

Funds heretofore appropriated for the years ending August 31, 1962, and August 31, 1963, respectively, to the Board of Water Engineers for salaries of classified positions shall be available for the payment of salaries of the positions as reclassified and listed above.

b. The position of Assistant Chief Engineer listed as a classified position and bearing the Class Number 2393 in Section 13, Article III of Senate Bill No. 1, First Called Session of the 57th Legislature, shall from and after the effective date of this Act be an unclassified position and from the monies heretofore appropriated for the years ending August 31, 1962, and August 31, 1963, respectively, to the Board of Water Engineers for salaries of classified positions there is hereby made available such funds as shall be necessary to pay the salary of the position of Assistant Chief Engineer at the rate of Eleven Thousand Five Hundred Dollars (\$11,500) per annum.

c. The Board of Water Engineers is authorized to employ one secretary to fill the classified position of Administrative Secretary, Class Number 0138, in lieu of one of the Secretary III, Class Number 0135, positions authorized in the appropriation to the Board of Water Engineers contained in Article III of Senate Bill No. 1, First Called Session of the 57th Leg-

islature. Such funds as shall be necessary to pay the salary of the person employed to fill the position of Administrative Secretary herein authorized are hereby made available from monies heretofore appropriated for the years ending August 31, 1962 and August 31, 1963, respectively, to the Board of Water Engineers for salaries of classified positions.

Sec. 15. Out of funds appropriated for salaries and classified positions to the Comptroller of Public Accounts in Senate Bill No. 1, Acts of the 57th Legislature, First Called Session, 1961, the Comptroller is authorized to employ the following personnel to conduct hearings required to carry out the purposes of House Bill No. 20, Acts of the 57th Legislature, Second Called Session, 1961, such employees to be classified according to the following titles and salary groups within the schedule of salary ranges provided in said Senate Bill No. 1:

Title	Salary Group
Director, Hearings Division	19
Hearings Examiner III	17
Hearings Examiner II	15
Hearings Examiner I	12

Sec. 16. Out of funds appropriated for salaries and wages to the Department of Health in Senate Bill No. 1, Acts of the 57th Legislature, First Called Session, 1961, the Department of Health is authorized to employ the following personnel to carry out the purposes of Senate Bill No. 68, Acts of the 57th Legislature, Regular Session, 1961, such employees to be classified according to the following titles and salary groups within the schedule of salary ranges provided in said Senate Bill No. 1:

Title	Salary Group
Radiological Health Specialist II	17
Radiological Health Specialist I	15

Sec. 17. Out of funds appropriated for salaries and wages to the Central Education Agency in Senate Bill No. 1, Acts of the 57th Legislature, First Called Session, 1961, the Central Education Agency is authorized to employ an Investment Officer at an annual salary rate of Eleven Thousand Dollars (\$11,000), and an Assistant Investment Officer, which latter position shall be classified and placed in Salary Group 21 within the schedule of salary ranges provided in said Senate Bill No. 1.

Sec. 18. If any Section, sentence, clause or part of this Act shall for any reason be held to be invalid, such decision shall not affect the remaining portions of this Act, and it is hereby declared to be the intention of the Legislature to have passed each sentence, Section, clause or part thereof, irrespective of the fact that any other sentence, Section, clause or part thereof may be declared invalid.

Sec. 19. The importance of this legislation and the crowded condition of the calendar in each House create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

Record of Votes

Senators Hardeman, Parkhouse, Crump, Fuller, Lane, Creighton, Hazlewood, Hudson, Patman and Calhoun asked to be recorded as voting "Nay" on the adoption of the Conference Committee Report on S. B. No. 3.

House Concurrent Resolution 43 on Second Reading

The President Pro Tempore laid before the Senate on its second reading the following resolution:

H. C. R. No. 43, Suspending Joint Rules of the two Houses be, and they are hereby, suspended so that either House may take up and consider House Bill No. 95 and Senate Bill No. 98 at any time.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the resolution was considered immediately and was adopted.

House Bill 95 on Second Reading

Senator Hardeman moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 95 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—18

Aikin	Martin
Baker	Moffett
Creighton	Parkhouse
Crump	Ratliff
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Lane	Willis

Nays—9

Calhoun	Owen
Dies	Patman
Fuller	Reagan
Kazen	Spears
Krueger	

Absent

Colson	Moore
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Absent—Excused

Roberts	Weinert
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The President Pro Tempore then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 95, A bill to be entitled "An Act relating to the creation of a State Disaster Council charged with the duty of carrying out the State's responsibility to its citizens in the event of a public calamity by making certain determinations and taking certain prescribed actions; etc., and declaring an emergency."

The bill was read second time.

Senator Moffett offered the following amendment to the bill:

Amend H. B. No. 95, Sec. 2(1) by inserting the words "cyclone, tornado" after the word "storm" in said Sec. 2(1).

The amendment was read.

Question—Shall the amendment by Senator Moffett to H. B. No. 95 be adopted.

Message from the House

Hall of the House of Representatives
Austin, Texas,
February 1, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 42, A bill to be entitled "An Act amending Article 630, Revised Civil Statutes of Texas, 1925, so as to provide approval by the Governor, the Secretary of State, and the Comptroller of certain purchase contracts made under the provisions of the State Purchasing Act of 1957; repealing Articles 607, 608, as amended, 609, 610, 611, 612, 613, as amended, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, and 629 of the Revised Civil Statutes of Texas; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives

House Bill 10 on Second Reading

On motion of Senator Martin and by unanimous consent, Senate Rules 13, 32 and 38 and the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading.

H. B. No. 10, A bill to be entitled "An Act making certain appropriations out of the unexpended balances in the Special Mineral Lease Fund to the Department of Corrections for emergency purposes; and declaring an emergency."

The bill was read the second time.

Senator Martin offered the following committee amendment to the bill:

Amend H. B. No. 10 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. In the event of an emergency, funds from the Mineral Lease Fund No. 272, over and above the amount appropriated in S. B. No. 1, First Called Session, Fifty-seventh Legislature, 1961, are hereby appropriated to the Department of Corrections, subject to the approval of the Governor. Emergency purposes as used herein shall mean and include only (1) unforeseeable conditions such as disastrous weather conditions, (2) fire or other uncontrollable circumstances, or (3) if found necessary by members of the Texas Board of Corrections, conditions requiring the

supplementation of the salaries of the positions of Director and Assistant Director-Business and Custody; provided however, that the salaries with supplementation shall not exceed \$22,500.00 per year for the Director and \$15,000.00 per year for the Assistant Director-Business and Custody. Such emergencies shall also include abnormal increases in inmate population exceeding 12,600 during the 1962 fiscal year and 13,350 inmates during the 1963 fiscal year.

"The salaries for the following positions shall be set as itemized with increases provided to be paid within the funds already appropriated by S. B. 1, the Appropriation Act, First Called Session, 57th Legislature.

	1962	1963
Highway Department:		
State Highway Engineer	\$22,500	\$22,500
Assistant State Highway Engineer	15,000	15,000
Department of Public Safety:		
Director	22,500	22,500
Assistant Director	15,000	15,000
Department of Health:		
Commissioner of Health	22,500	22,500
Executive Director	15,000	15,000
Department of Public Welfare:		
Commissioner (half salary)	11,250	11,250
Assistant Commissioner (half salary)	7,500	7,500
Central Education Agency:		
Commissioner of Education	22,500	22,500
Deputy Commissioner of Education	15,000	15,000"

The Committee Amendment was read.

Senator Martin offered the following as a substitute for the pending Committee Amendment:

Amend H. B. 10 by striking out all below the enacting clause and substituting the following:

Section 1. For emergency purposes only, there is also hereby appropriated from the Mineral Lease Fund (No. 272) to the Department of Corrections any monies over and above the amounts appropriated by Senate Bill No. 1, Acts, 1961, 57th Legislature, First Called Session, which additional monies may be expended only upon the prior, written approval of the Governor; provided however, that this appropriation of such additional monies shall cease to be effective as of September 1, 1963. Emergency purposes as used in this Section shall mean and include only unforeseeable conditions as disasters from weather conditions, fire or other uncontrollable circumstances, abnormal increases in inmate population exceed-

ing twelve thousand six hundred (12,600) during the 1962 fiscal year and thirteen thousand three hundred fifty (13,350) inmates during the 1963 fiscal year.

Sec. 2. Notwithstanding other provisions of law, any of the monies appropriated to the Board of Medical Examiners by Senate Bill No. 1, Acts 1961, 57th Legislature, First Called Session, Item No. 5, for each of the fiscal years of the biennium beginning September 1, 1961, may also be expended for the payment of witness fees and other court costs as required by law.

Sec. 3. Monies appropriated for the expenses of the Senate by Item 2, Ar-

ticle VI of Senate Bill No. 1, Acts 1961, 57th Legislature, First Called Session, may also be expended for per diem, other salaries and wages, consumable supplies and materials, current and recurring operating expenses, capital outlay, and other necessary expenses incurred by the Senate of Texas during the Third Called Session of the 57th Legislature.

Sec. 4. If any Section, sentence, clause or part of this Act shall for any reason be held to be invalid, such decision shall not affect the remaining portions of this Act, and it is hereby declared to be the intention of the Legislature to have passed each sentence, Section, clause or part thereof, irrespective of the fact that any other sentence, Section, clause or part thereof may be declared invalid.

Sec. 5. The importance of this legislation and the crowded condition of the calendar in each House create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended; and that this Act shall

take effect and be in force from and after its passage, and it is so enacted.

The substitute for the Committee Amendment was adopted.

The Committee Amendment as substituted was then adopted.

On motion of Senator Martin and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 10 on Third Reading

Senator Martin moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 10 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis
Lane	

Absent—Excused

Roberts	Weinert
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—29

Aikin	Hazlewood
Baker	Herring
Calhoun	Hudson
Colson	Kazen
Creighton	Krueger
Crump	Lane
Dies	Martin
Fuller	Moffett
Hardeman	Moore

Owen	Schwartz
Parkhouse	Secrest
Patman	Smith
Ratliff	Spears
Reagan	Willis
Rogers	

Absent—Excused

Roberts	Weinert
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Senate Resolution 98

Senator Aikin by unanimous consent offered the following resolution:

Hon. Charles F. Herring, President Pro Tempore of the Senate:

Sir: At a caucus held on February 1, 1962, and attended by 30 members of the Senate, the following recommendations were made, to-wit:

BE IT RESOLVED BY THE SENATE,

That the following named employees be retained for a number of days at the per diem salary specified in each case to perform such duties as may be required of them in connection with the business of the State, viz.:

The Secretary of the Senate shall be retained during the interval between adjournment of this session and the convening of the next session of the Legislature, for which services he shall receive the same per diem (\$600.00) per month which he now receives, and in addition thereto he and the Acting Lieutenant Governor shall be furnished postage, telegraph, telephone, express and all other expenses incident to the office.

The Assistant Secretary of the Senate shall be employed by the Secretary of the Senate and shall be retained during the interval between adjournment of this session and the convening of the next session of the Legislature with a salary of \$14.00 per day.

The Acting Lieutenant Governor may employ such employees as are necessary for the operation of his office from the closing of this session and until the convening of the next session and shall also employ some suitable person who shall index and annotate the Legislative Manual for the Senate of the Fifty-seventh Legislature and provide sufficient copies thereof to be paid for out of the Contingent Expense Fund for the use of the members of the Senate.

The Warrant Clerk shall be re-

tained for a period of 30 days at a salary of \$14.00 per day.

The Calendar Clerk shall be retained for 22 days at a salary of \$14.00 per day.

The Journal Clerk shall be retained for a period of 240 days at \$15.00 per day, and the Assistant Journal Clerk shall be retained for 240 days at \$13.00 per day.

The Sergeant-at-Arms, John Dorman, shall be retained for the ad-interim at the same pay he now receives (\$16.50 per day, plus \$50.00 per month), and 2 assistants for 15 days at \$12.00 per day. The Acting Lieutenant Governor may employ or retain at \$7.00 per day as many porters as may be necessary, and a head porter at \$12.00 per day.

The Enrolling and Engrossing Clerk shall be retained 21 days at \$19.00 per day, and 5 assistants to assist her shall be retained for 21 days at \$11.00 per day, and 1 assistant for 21 days at \$14.00 per day.

The private secretary of each Senator may be retained for 14 days at \$14.00 per day to perform such duties as may be required of them.

The Mailing Clerk of the Senate shall be retained for 15 days at \$14.00 per day and 1 assistant for 15 days at \$13.00 per day, and 1 assistant for 5 days at \$11.00 per day and 1 assistant at \$12.00 per day for 7 days.

The Chairman of the Senate Committee on Contingent Expenses is hereby authorized and directed to cause the Senate Chamber to be placed in order and an inventory made of all furniture and fixtures in the Senate Chamber and in the private offices of the members, as well as of the supplies and equipment on hand in the room of the Sergeant-at-Arms, and close his books for the Third Called Session of the Fifty-seventh Legislature. He shall also examine records and accounts payable out of the Contingent Expense Fund as shall be necessary, properly to approve all claims and accounts against the Senate, and no claim or account shall be paid without his consent and approval, and he shall be entitled to receive his actual and necessary expenses incurred while in the performance of such duties during the interim.

The Acting Lieutenant Governor shall appoint a Custodian of the Senate to perform such services as the Acting Lieutenant Governor or the

Secretary of the Senate may direct and the Custodian to receive the sum of \$11.00 per day.

RESOLVED, That there shall be printed 325 volumes of the Senate Journal of the Third Called Session of the Fifty-seventh Legislature, and when completed, 250 copies shall be bound in buckram and delivered to the Secretary of the Senate and one volume thus bound shall be forwarded by the Secretary of the Senate to each member of the Senate and House of Representatives, to the Lieutenant Governor, and 75 paper bound copies shall be furnished to the State Library. Such journal may, in the alternate, be included with the prior journals for the Fifty-seventh Legislature. The printing of such journals shall be done in accordance with the provisions of this resolution under the supervision of the Chairman of the Committee on Contingent Expense; provided, further, that it shall be the duty of said Chairman to refuse to receive or receipt for said Senate Journals until corrected and published in accordance with the pre-existing law as finally approved by the Chairman of the Committee on Contingent Expenses of the Senate. When the accounts have been certified to by the Chairman of the Committee on Contingent Expense of the Senate, said accounts shall be paid out of the Contingent Expense Fund of the Fifty-Seventh Legislature; and be it further

RESOLVED, That all salaries herein authorized to be incurred and paid for shall be paid out of the per diem and contingent expense fund of the Fifty-seventh Legislature upon warrants signed by the Acting Lieutenant Governor and the Secretary of the Senate. All warrants for the payment of materials, supplies and expenses of the Senate shall be paid upon warrants signed by the Acting Lieutenant Governor and Chairman of the Senate Committee on Contingent Expenses; and be it further

RESOLVED, That the cash balance on hand under the provisions of S. R. No. 15 of the Forty-seventh Legislature be turned over to the Secretary of the Senate and he is directed to have full charge of the vending machines and to expend receipts thereof as now authorized by said resolution; and be it further

RESOLVED, That a matron be retained for the women's rest room at

a salary of \$7.00 per day; and be it further

RESOLVED, That the Acting Lieutenant Governor and the Chairman of the Senate Committee on Contingent Expenses shall have authority to employ such additional personnel as may from time to time be required and to purchase such supplies and to make all such repairs and improvements as are necessary between the adjournment of this session and the convening of the next session of the Legislature; and be it further

RESOLVED, That with the approval of the Acting Lieutenant Governor and the Chairman of the Committee on Contingent Expense, the actual expenses of members serving on interim committees whose expenses are not otherwise provided for shall be reimbursed from the Contingent Expense Fund; and be it further

RESOLVED, That the Acting Lieutenant Governor is authorized to appoint Rev. W. H. Townsend, Senate Chaplain, during the ad-interim as an assistant to work under the direction of the Acting Lieutenant Governor and the Chairman of the Contingent Expense Committee at a salary of \$11.00 per day.

The Sergeant-at-Arms is specifically directed not to permit the removal of any of the property of the Senate from the Senate Chamber or the rooms of the Senate.

Respectfully submitted,

A. M. AIKIN, Jr.,

Acting Chairman of the Caucus.

The resolution was read and was adopted.

Record of Vote

Senator Moffett asked to be recorded as voting "Nay" on the adoption of the above resolution.

(Senator Kazen in the Chair.)

Election of President Pro Tempore Ad Interim for the Third Called Session of the Fifty-seventh Legislature

The Presiding Officer announced the election of the President Pro Tempore Ad Interim as the next order of business.

Senator Herring nominated Senator Krueger of Wharton County as President Pro Tempore Ad Interim of the Third Called Session of the Fifty-seventh Legislature.

Senators Reagan, Moffett, Hardeman, Baker, Schwartz, Creighton, Patman, Moore, Aikin, Dies, Hudson and Owen seconded the nomination of Senator Krueger as President Pro Tempore Ad Interim of the Third Called Session of the Fifty-seventh Legislature.

There being no further nominations the Presiding Officer appointed Senators Aikin and Hardeman as tellers to take up and count the ballots.

(President Pro Tempore in the Chair.)

The ballots were taken up and counted and the President Pro Tempore announced that Senator Krueger had received 28 votes with one present and not voting for President Pro Tempore Ad Interim of the Third Called Session of the Fifty-seventh Legislature and declared him duly elected.

Senators Reagan, Aikin and Kazen were appointed to escort Senator Krueger to the President's Rostrum. The President Pro Tempore administered the Constitutional Oath of Office as President Pro Tempore Ad Interim of the Third Called Session of the Fifty-seventh Legislature to Senator Krueger.

The President Pro Tempore then presented Senator Krueger to the Senate as their President Pro Tempore Ad Interim.

President Pro Tempore Krueger addressed the Senate, stating that he was deeply honored by the expressions of confidence in him and promised to increase his knowledge and to represent the State of Texas to the best of his ability.

At Ease

On motion of Senator Hardeman the Senate at 11:51 o'clock p.m. agreed to stand At Ease subject to the call of the Chair.

In Legislative Session

The President Pro Tempore called the Senate to order as In Legislative Session at 11:54 o'clock p.m.

Bills and Resolutions Signed

The President Pro Tempore signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions.

H. C. R. No. 50, Authorizing the Engrossing and Enrolling Clerk of the House of Representatives to make certain corrections in House Concurrent Resolution No. 28.

H. B. No. 66, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, to be known as McLennan County Water Control and Improvement District — Bosqueville Hills; etc., and declaring an emergency."

H. C. R. No. 43, Suspending Joint Rules to consider H. B. Nos. 95 and 98 at any time.

H. B. No. 108, A bill to be entitled "An Act creating the Old Galveston Quarter to preserve historically significant areas; etc., and declaring an emergency."

H. C. R. No. 28, Granting permission to C. G. Way, et al. to sue the State of Texas.

S. B. No. 101, A bill to be entitled "An Act creating a Court of Domestic Relations for Galveston County; etc., and declaring an emergency."

S. B. No. 48, A bill to be entitled "An Act amending Section 14 of Chapter 291, Acts of the 57th Legislature, Regular Session, 1961, which amended Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953, providing additional terms of court, and providing that the county commissioner may change the terms of court whenever it may be necessary; and declaring an emergency."

S. B. No. 42, A bill to be entitled "An Act amending Article 630, Revised Civil Statutes of Texas, 1925, so as to provide approval by the Governor, the Secretary of State, and the Comptroller of certain purchase contracts made under the provisions of the State Purchasing Act of 1957; repealing Articles 607, 608, as amended, 609, 610, 611, 612, 613, as amended, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, and 629 of the Revised Civil Statutes of Texas; and declaring an emergency."

At Ease

The President Pro Tempore announced at 11:56 o'clock p.m. that the

Senate would stand At Ease subject to the call of the Chair.

(Senator Rogers in the Chair.)

In Legislative Session

The President Pro Tempore called the Senate to order as In Legislative Session at 11:58 o'clock p.m.

Motion in Writing

Senator Aikin submitted the following Motion in Writing:

Mr. President I move the President appoint 3 members of the Senate to notify the House the Senate has completed its labors and is ready to adjourn sine die.

The motion was adopted.

Accordingly the President Pro Tempore announced the appointment of the following as a committee to notify the House that the Senate was ready to adjourn sine die:

Senators Colson, Schwartz and Kazen.

Motion in Writing

Senator Aikin submitted the following motion in writing:

Mr. President I move that the President appoint 3 Members of the Senate to notify the Governor the Senate has completed its labors and is ready to adjourn sine die.

The motion was adopted.

Accordingly the President Pro Tempore announced the appointment of the following as a committee to notify the Governor that the Senate was ready to adjourn sine die.

Senators Aikin, Martin and Reagan.

Governor Notified

The Committee to Notify the Governor that the Senate was ready to adjourn Sine Die appeared at the Bar of the Senate and Senator Aikin for the committee notified the President Pro Tempore that it had performed the duty assigned.

The President Pro Tempore announced that the Committee would be discharged.

House Notified

The Committee to Notify the House

that the Senate was ready to adjourn Sine Die appeared at the Bar of the Senate, and Senator Schwartz for the committee reported that the committee had performed the duty assigned it.

The President Pro Tempore announced that the Committee would be discharged.

Senate Notified

A committee from the House appeared at the Bar of the Senate and Representative Stewart of Galveston for the committee announced that the House of Representatives was ready to adjourn sine die.

Adjournment Sine Die

The President Pro Tempore announced that the hour for final adjournment of the Third Called Session of the Fifty-seventh Legislature had arrived.

Senator Colson moved that the Senate stand adjourn sine die.

The motion prevailed and the President Pro Tempore declared the Third Called Session of the Fifty-seventh Legislature adjourned sine die at 11:59 o'clock p.m.

Welcome and Congratulatory Resolutions

S. R. No. 83—By Senators Lane and Herring: Extending welcome to students of Seventh Grade of Lamar Junior High, including Miss Jane Lovett, the grand-daughter of Senator R. A. Weinert.

S. R. No. 88—By Senator Colson: Extending welcome to students and teacher, Mrs. Scott McCune, of the Richards High School of Grimes County.

S. R. No. 92—By Senator Patman: Extending congratulations to Roy L. Anderson for heroism during Hurricane Carla.

S. R. No. 93—By Senator Patman: Extending congratulations to J. D. Lopez for heroism during Hurricane Carla.

S. R. No. 94—By Senator Patman: Extending congratulations to Ralph McClendon for heroism during Hurricane Carla.

S. R. No. 95—By Senator Patman: Extending congratulations to Fred Clemments for heroism during Hurricane Carla.

S. R. No. 96—By Senator Patman: Extending congratulations to Dick DeNeefe for heroism during Hurricane Carla.

S. R. No. 97—By Senator Patman: Extending congratulations to Calvin Evans for heroism during Hurricane Carla.

Memorial Resolutions

S. R. No. 85—By Senator Aikin for Senator Herring: Memorial resolution for John Vernard Ash, Sr.

S. R. No. 91—By Senator Baker: Memorial resolution for E. E. Townes.

AD INTERIM COMMITTEE APPOINTMENTS FOR THIRD CALLED SESSION

By Senator Herring as President Pro Tempore for Third Called Session:

H. C. R. No. 8, Interim Committee to study Screwworm Eradication: Senators Krueger, Kazen, Baker, Crump and Roberts.

By Senator Krueger as President Pro Tempore Ad Interim of the Third Called Session:

H. C. R. No. 8—Screwworm Eradication Committee:

Senator Moore to replace Senator Krueger (resigned).

H. C. R. No. 18—Committee to work with State Building Commission for State Emergency Center:

Senator Calhoun to replace Senator Krueger (resigned).

S. C. R. No. 16—Border Conference Committee to make study for development thereof:

Senators Hudson and Owen.

Standing Committee—Finance:

Senator Herring to replace Senator Roberts (resigned).

SUMMARY OF SENATE LEDGER ACCOUNTS

57th Legislature, Regular Session

	Total	Supplies	Telephone	Telegraph	Stamps
Aikin, A. M., Jr.	\$ 554.25	\$ 173.07	\$ 301.18	\$	\$ 80.00
Baker, Robert W.	1,849.46	536.58	747.48	58.10	507.30
Calhoun, Galloway, Jr.	1,186.33	519.28	279.77	5.63	381.65
Colson, Mrs. Neveille H.	1,200.66	229.73	499.37	11.56	460.00
Creighton, Tom	1,413.91	671.30	410.64	40.57	291.40
Crump, Louis	555.82	192.80	299.68	3.34	60.00
Dies, Martin, Jr.	788.28	294.15	341.64	47.13	105.34
Fuller, Jep S.	1,946.60	340.66	1,164.51	14.12	427.31
Gonzalez, Henry B.	2,809.82	719.75	893.79	20.78	1,175.50
Hardeman, Dorsey B.	498.90	135.34	239.06	6.35	118.15
Hazlewood, Grady	1,872.24	574.03	913.10	20.61	364.50
Herring, Charles	1,011.62	320.58	244.62		446.42
Hudson, Hubert	1,682.62	426.86	1,096.56	1.20	158.00
Kazen, Abraham, Jr.	938.53	97.94	723.06	16.83	100.70
Krueger, Culp	1,618.52	536.29	578.47	58.42	445.34
Lane, Wardlow	801.95	239.65	417.74	4.56	140.00
Martin, Crawford C.	1,336.86	277.84	558.64	24.33	476.05
Moffett, George	1,116.41	378.93	406.47	30.46	300.55
Moore, William T.	1,624.81	473.90	651.28	55.83	444.00
Owen, Frank, III.	1,793.36	312.86	1,012.46	72.54	395.50
Parkhouse, George	2,410.18	590.43	1,374.49	94.16	351.10
Patman, Wm. N.	1,150.39	526.25	371.38	7.56	245.20
Ratliff, David W.	1,242.51	184.03	581.35	6.33	520.80
Reagan, Bruce	1,417.92	417.93	778.64	17.15	204.20
Roberts, Ray	1,283.23	476.22	300.39	8.12	498.00
Rogers, Andy	3,219.71	465.07	1,396.92	7.54	1,350.18
Schwartz, A. R.	2,073.75	426.82	990.69	86.70	569.54
Secrest, Jarrard	1,532.42	385.23	632.77	113.56	400.86
Smith, Preston	1,452.44	254.37	1,076.32	1.75	120.00
Weinert, R. A.	313.60	64.42	199.83	1.85	47.45
Willis, Doyle	2,097.50	465.57	746.44	4.99	880.50
Total Members	\$44,794.58	\$11,707.88	\$20,179.29	\$ 841.87	\$12,065.54
Lieutenant Governor Ramsey	1,006.77	222.32	720.36	9.09	55.00
Secretary of Senate	2,375.11	1,214.40	976.71		184.00
Sergeant-at-Arms	1,265.18	737.97	390.50	63.85	72.86
Calendar Clerk	227.28	130.68	96.60		
Claims and Accounts	186.19	61.84	84.35		40.00
Enrolling and Engrossing	1,353.65	1,243.25	87.40		23.00
Finance Committee	282.58	108.43	134.15		40.00
Inauguration	437.50	437.50			
Investment Study Committee	7.58	7.58			
Journal Clerk	48.82	48.82			
Mailing Room	5,497.45	3,548.03	179.30		1,770.12
Nominating Committee	515.84	33.16		462.68	20.00
Cost of Government Committee	62.69	5.75	53.54	3.40	
Post Office	158.11	43.41	94.70		20.00
Totals	\$58,219.33	\$19,551.02	\$22,996.90	\$ 1,380.89	\$14,290.52

SUMMARY OF SENATE LEDGER ACCOUNTS

57th Legislature, First and Second Called Sessions

	Total	Supplies	Telephone	Telegraph	Stamps
Aikin, A. M., Jr.	\$ 158.70	\$ 17.43	\$ 121.27	\$	\$ 20.00
Baker, Robert W.	548.13	68.93	274.53	3.67	201.00
Calhoun, Galloway, Jr.	356.67	45.15	183.46	4.56	123.50
Colson, Mrs. Neveille H.	319.30	22.55	202.79	3.96	90.00
Creighton, Tom	181.09	45.10	127.59	8.40	.....
Crump, Louis	193.40	19.04	154.36	.....	20.00
Dies, Martin, Jr.	218.89	51.86	98.24	8.79	60.00
Fuller, Jep S.	573.54	57.21	374.13	2.20	140.00
Gonzalez, Henry B.	293.05	158.18	.....	14.87	120.00
Hardeman, Dorsey B.	220.17	110.19	69.98	.....	40.00
Hazlewood, Grady	531.80	64.27	397.78	1.25	68.50
Herring, Charles	139.17	40.52	78.65	.....	20.00
Hudson, Hubert	551.14	16.18	464.96	1.50	68.50
Kazen, Abraham, Jr.	171.89	12.15	153.10	4.58	2.06
Krueger, Culp	647.96	137.03	311.31	27.62	172.00
Lane, Wardlow	221.46	94.62	125.34	.....	1.50
Martin, Crawford C.	416.30	19.07	328.66	8.57	60.00
Moffett, George	201.33	42.35	96.88	.....	62.10
Moore, William T.	327.62	9.56	256.86	1.20	60.00
Owen, Frank, III.	427.49	42.58	216.77	36.94	131.20
Parkhouse, George	684.08	28.55	597.38	18.15	40.00
Patman, Wm. N.	338.26	123.12	117.19	34.45	63.50
Ratliff, David W.	514.05	69.75	244.30	.....	200.00
Reagan, Bruce	727.62	71.65	511.97	.....	144.00
Roberts, Ray	386.72	26.81	307.50	6.21	46.20
Rogers, Andy	186.28	19.03	87.25	.....	80.00
Schwartz, A. R.	844.91	160.80	423.26	2.85	258.00
Secrest, Jarrard	298.43	19.95	196.83	1.65	80.00
Smith, Preston	569.27	61.60	447.53	20.14	40.00
Weinert, R. A.	104.42	11.89	52.53	.....	40.00
Willis, Doyle	905.40	266.02	299.48	3.90	336.00
Total Members	\$12,258.54	\$ 1,933.14	\$ 7,321.88	\$ 215.46	\$ 2,788.06
Lieutenant Governor's Office	421.26	36.79	326.32	.....	58.15
Secretary of Senate	925.34	402.98	382.36	.....	140.00
Sergeant-at-Arms	358.72	117.98	171.11	65.53	4.10
Calendar Clerk	61.88	15.23	46.65	.....	.....
Claims and Accounts	33.75	13.05	20.70	.....	.....
Enrolling and Engrossing	90.31	49.66	22.05	.....	18.60
Finance Committee	36.82	.....	36.82	.....	.....
Journal Clerk	10.57	10.57	.....	.....	.....
Mailing Room	1,677.59	866.19	41.40	.....	770.00
Nominating Committee	18.34	6.02	.....	12.32	.....
Post Office	23.66	2.96	20.70	.....	.....
Senate Hostess .....	.11	.11	.....	.....	.....
Totals	\$15,916.89	\$ 3,454.68	\$ 8,389.99	\$ 293.31	\$ 3,778.91

SUMMARY OF SENATE LEDGER ACCOUNTS

57th Legislature, Third Called Session

	Total	Supplies	Tele- phone	Tele- graph	Stamps	News- papers	Sta- tionery
Aikin, A. M., Jr.	\$ 117.88	\$ 19.94	\$ 54.24	\$	\$ 40.00	\$ 3.70	\$
Baker, Robert W.	380.22	21.74	55.65	3.81	240.00	4.29	54.73
Calhoun, Galloway, Jr.	213.65	33.44	51.46		125.60	3.15	
Colson, Mrs. Neveille H.	179.01	15.29	44.73	4.70	110.00	4.29	
Creighton, Tom	104.21	14.41	42.85	1.20	42.00	3.75	
Crump, Louis	192.70	21.23	35.12	4.71	80.00	3.70	47.94
Dies, Martin, Jr.	217.21	6.58	28.24	11.79	60.00	2.70	107.90
Fuller, Jep S.	197.67	23.63	63.55	1.31	100.00	3.80	5.38
Hardeman, Dorsey B.	105.66	19.65	30.03	12.28	40.00	3.70	
Hazlewood, Grady	376.06	48.89	101.33	8.44	130.00	4.10	83.30
Herring, Charles F.	315.74	39.49	50.12		145.60	5.75	74.78
Hudson, Hubert R.	77.49	6.36	55.13	5.40	10.60		
Kazen, Abraham, Jr.	136.83	12.39	60.10	2.44	60.00	1.90	
Krueger, Culp	143.14	39.54	67.17		1.10		35.33
Lane, Wardlow	90.68	8.33	38.15		40.00	4.20	
Martin, Crawford C.	243.19	32.53	53.59	26.37	127.00	3.70	
Moffett, George	132.10	19.01	38.81		27.50		46.78
Moore, William T.	173.18	53.53	52.40	1.20	60.00	6.05	
Owen, Frank, III	251.41	24.92	74.83	4.80	87.00	3.50	56.36
Parkhouse, George	250.03	31.87	116.02	18.19	80.00	3.95	
Patman, William N.	52.16	27.87			20.00	4.29	
Ratliff, David W.	63.71	5.00	53.36	3.60		1.75	
Reagan, Bruce A.	183.74	14.73	94.67	6.73	64.36	3.25	
Roberts, Ray	144.74	20.60	61.63	1.81	41.40	2.50	16.80
Rogers, Andy	342.59	54.55	93.94		190.00	4.10	
Schwartz, A. R.	519.66	29.56	93.69	18.95	320.00	2.04	55.42
Secrest, Jarrard	242.35	103.57	33.16	1.20	100.42	4.00	
Smith, Preston	345.14	35.92	124.08		180.00	5.14	
Spears, Franklin	457.80	94.68	45.37	1.95	202.90	3.80	109.10
Weinert, R. A.	53.08	2.21	27.17		20.00	3.70	
Willis, Doyle	485.05	135.19	81.65		203.00	3.09	62.12
Total Members	\$6,788.08	\$1,016.65	\$1,822.24	\$ 140.88	\$2,948.48	\$ 103.89	\$ 755.94
Lieutenant Governor's Office	217.89	21.54	192.23	4.12			
Secretary of the Senate	525.61	96.98	356.35	8.08	60.00	4.20	
Sergeant-at-Arms	223.65	83.03	112.48	26.14	2.00		
Calendar Clerk	40.72	6.25	34.47				
Claims and Accounts	23.50		23.50				
Cost of Government Committee	29.19		29.19				
Enrolling and Engrossing	111.42	64.92	23.50		23.00		
Finance Committee	25.65		25.65				
Journal Clerk	8.24	8.24					
Mailing Room	581.16	514.16	47.00		20.00		
Post Office	43.58	13.74	28.00		1.84		
Nominations Committee	43.49	17.00		26.49			
Totals	\$8,662.18	\$1,842.51	\$2,694.61	\$ 205.71	\$3,055.32	\$ 108.09	\$ 755.94

In Memory of
Richard (Dick) Ashburn Rayburn

Senator Roberts offered the following resolution:

(Senate Resolution 86)

Whereas, On January 30, 1962, the State of Texas lost a beloved citizen and member of a most distinguished Texas family in the passing of Richard (Dick) Ashburn Rayburn; and

Whereas, Mr. Rayburn was the last surviving brother of the late Speaker Sam Rayburn; and

Whereas, He was born June 10, 1884 in Roane County, Tennessee, one of eleven children of the late Mr. and Mrs. William Rayburn; and

Whereas, He began his career in the cotton oil mill business some fifty years ago at Pecan Gap, where he was working as cashier at a bank; and

Whereas, He left the bank to become cashier for the Pecan Gap Cotton Oil Company, and in the next four years he rose to manager-ship of the oil mill at Detroit, Texas; and

Whereas, In 1920 he and Mrs. Rayburn, to whom he was married in Pecan Gap while still in the bank, moved to Hugo, Oklahoma where he managed the then new Southland Cotton Oil Company; and

Whereas, About four years later, he managed the Wolfe City Oil Mill, then went to the nearby Greenville mill and then to Dallas, to International Vegetable Oil Mill; and

Whereas, After more than forty years in the business, he retired to the home south of Ector where he has been engaged in farming; and

Whereas, Mr. Rayburn was esteemed and respected by all who knew him; now, therefore be it

Resolved, By the Senate of the Fifty-seventh Legislature of the State of Texas, That we extend to the bereaved family of Richard Ashburn Rayburn our sincere and heartfelt sympathy; that a page in the Journal be set aside in his memory; and be it further

Resolved, That an enrolled copy of this Resolution be sent to all surviving members of his family as a token of our respect.

ROBERTS

Signed—Charles F. Herring, President Pro Tempore; Aikin, Baker, Calhoun, Colson, Creighton, Crump, Dies, Fuller, Hardeman, Hazlewood, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Patman, Ratliff, Reagan, Rogers, Schwartz, Secrest, Smith, Spears, Weinert, Willis.

The resolution was read.

On motion of Senator Secrest, the names of all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.

In Memory of Captain Tom Hickman, Sr.

Senator Roberts offered the following resolution:

(Senate Resolution 87)

Whereas, On January 29, 1962, the State of Texas and the City of Gainesville lost one of their most illustrious citizens in the passing of Captain Tom Hickman, Sr.; and

Whereas, Captain Tom Hickman, Sr. was born on his father's ranch northwest of Gainesville, February 21, 1885 and became an experienced horseman when he was still a youngster; and

Whereas, His almost legendary career in the field of law enforcement began in 1908 when he was named a Deputy Constable at Gainesville. He later became a Deputy Sheriff for Cooke County and served some eight years before entering the Ranger Service on June 16, 1919; and

Whereas, In the short span of three years, he was promoted to Captain, the highest rank in the Texas Rangers; and

Whereas, One of his most difficult early assignments was putting down rioting and fighting during the Burkburnett oil rush when Texas and Oklahoma disputed ownership of the bed of the Red River and he camped on a sandbar in a tent as the symbol of Texas's claim; and

Whereas, He was always at the forefront in efforts to stamp out lawlessness in the oil boom days of the 1920's and 1930's in Borger, Ranger, Kilgore, Mexia, Deacons, Breckenridge and Wink; and

Whereas, His rich career as a lawman was highlighted by such incidents as the capture of two bandits in the act of leaving the Red River National Bank at Clarksville with \$33,125 in 1926, and heading up the successful search for the so-called Santa Claus gang that held up the bank at Cisco two days before Christmas in 1927; and

Whereas, In addition to winning wide acclaim for his accomplishments in keeping the peace, he also gained international fame as a rodeo judge and contestant in 1924. Captain Hickman captured the British imagination along with a troop of Texas performers at the London International Rodeo; and

Whereas, He left the Ranger Service in 1936 and returned to his old job as Deputy Sheriff at Gainesville, serving in this capacity for six years. He then served for many years as Chief of Securities for the Gulf Oil Corporation until his retirement in recent years to devote his time to ranching interests. He was appointed a member of the Texas Public Safety Commission in 1956 and was elected Chairman of the Commission in February, 1961; and

Whereas, Texas has suffered an irreparable loss in his passing. He was considered by all to be one of the outstanding Texas Rangers of all times, and his death leaves a void in the field of law enforcement in Texas; now, therefore, be it

Resolved, by the Senate of the Fifty-seventh Legislature of the State of Texas, That we extend to the bereaved family of Captain Tom Hickman, Sr., our sincere and heartfelt sympathy; that a page in the Journal be set aside as a tribute to his dedicated service to his beloved State; and be it further

Resolved, That an enrolled copy of this resolution be sent to all surviving members of his family as a token of our respect.

ROBERTS

Signed—Charles F. Herring, President Pro Tempore; Aikin, Baker, Calhoun, Colson, Creighton, Crump, Dies, Fuller, Hardeman, Hazlewood, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Patman, Ratliff, Reagan, Rogers, Schwartz, Secrest, Smith, Spears, Weinert, Willis.

The resolution was read.

On motion of Senator Owen and by unanimous consent the names of the Senators were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.